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HANSARD'S

PARLIAMENTARY DEBATES.

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HANSARD'S  
PARLIAMENTARY  
DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

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6° & 7° VICTORIÆ, 1843.

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VOL. LXX.

COMPRISING THE PERIOD FROM

THE SIXTEENTH DAY OF JUNE,

TO

THE TWENTY-EIGHTH DAY OF JULY, 1843.

*Fifth Volume of the Session.*

---

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

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J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND  
R. BALDWIN.

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1843.





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  - IV. PROTESTS.
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# HANSARD'S PARLIAMENTARY DEBATES,

IN THE THIRD SESSION OF THE FOURTEENTH  
PARLIAMENT OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND IRELAND, APPOINTED TO MEET 11 NOVEM-  
BER, 1841, AND FROM THENCE CONTINUED TILL 2 FEBRUARY,  
IN THE SIXTH YEAR OF

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

## HOUSE OF LORDS, *Friday, June 16, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>a</sup>. Assessed Taxes; Roman Catholic Oaths (Ireland).

*Reported.*—Millbank Prison.

*Private.*—1<sup>a</sup>. Edinburgh Water; Sutherland Roads.

2<sup>a</sup>. St. Michael's Church (Limerick); Great Bromley Inclosure; Leamington Priors Improvement; Ballochney Railway; Fox's Estate.

*Reported.*—Plymouth, etc. Roads, Carriages and Booth Regulation; Bristol and Gloucester Railway; Burry Navigation.

3<sup>a</sup>. and passed:—South Eastern and Maidstone Railway; Wexford Harbour; Chalgrove Inclosure.

PETITIONS PRESENTED. By the Earl of Bandon, from Douglas, and Kilgariffe, against the National System of Education in Ireland.—By the Duke of Richmond, from a great number of places, against the Canada Corn Bill.—From Ifield, against the Poor-laws.—From Kent, and Berkshire, for Protection to the Industrious Classes.

**SUGAR DUTIES.]** Lord *Monteagle* desired to ask the noble Earl the Secretary for Foreign Affairs a question respecting our recent negotiations with Brazil. The House would shortly have to consider the subject of the annual sugar duties, and it appeared to him important that it should previously be put in possession of the grounds on which the late negotiations with the Brazilian govern-

ment had been broken off. He, therefore, wished to know whether the noble Earl was prepared to lay upon the Table papers explanatory of the matter?

The Earl of *Aberdeen* said, he could not consent to the production of any papers which would show the principle upon which the negotiations with the Brazilian government had been undertaken. Although the negotiations had been broken off, they were not entirely at an end, for the Brazilian government had actually appointed a plenipotentiary, with instructions to renew them in this country. Without entering generally into the subject he had no objection to state that the negotiations had been broken off, because the amount of duty insisted upon by the Brazilian government was such as it was impossible for England to consent to.

**MEETINGS IN KENT AND HAMPSHIRE.]** Earl *Stanhope* in calling attention to the meetings which had taken place in the counties of Kent and Hampshire said, that they followed in all respects the example which was given in Buckinghamshire.

Those meetings were convened by the farmers and not by the landed aristocracy ; not because co-operation was undervalued, but because it appeared idle and useless to apply to those who were known or believed to be unfavourable to the object in view. It would have been equally futile to apply to those who were willing to surrender their rents, rather than remonstrate against the legislative measures through which they were now in process of confiscation ; to those who seemed disposed to allow the vessel of the state to founder amid rocks and shoals, rather than alter the pilot or induce him to steer a different course. The farmers, however, knew that a considerable portion of their capital was already exhausted ; that their skill and industry were unprofitably exerted ; that bankruptcy and ruin were advancing rapidly on them, and that they were now in a state of distress which might speedily assume the character of despair. If the aristocracy did not come forward as the leaders of the occupiers of the soil, they must look to others for the guidance of their proceedings. At all those meetings the questions of a fixed duty, as well as of a total repeal, were discussed, and they were not of that one-sided character that distinguished those meetings, on which the noble Lord opposite (Earl of Radnor) set so much importance. The latter did not meet under the sanction of the high-sheriff, and discussion was studiously avoided. It was true, an invitation was given to the farmers to ask questions ; but it was well known the farmers were not accustomed to public speaking, and might be unwilling to interrupt the proceedings, though they had sufficient intelligence and information to discover the falsehood of the statements which were made, and to detect the fallacy of the arguments which were adduced. The results of such meetings could not then be considered victories of the Anti-Corn-law League. With respect to the majority at the Berkshire meeting he understood the noble Earl threw a doubt upon the point.

The Earl of Radnor : If the noble Earl will say where, I have no objection to his making such a statement. But I certainly never so represented this meeting here or any where else.

The Earl of Stanhope : Such was certainly the assurance given him ; but it was really a matter of little consequence.

Although the noble Earl attended that meeting, and proposed an amendment in a plausible address, the petition was carried by a large majority in point of numbers, and with respect to those connected with land, by a majority of 99 out of 100. [Earl of Radnor : "On whose authority do you speak?"] He had not the permission of the person who supplied him with the information to give his name. He was also informed that, at the farmers' meetings, the same persons attended to vote in favour of the repeal of the Corn-laws in Aylesbury, Reading, and Uxbridge. It was improbable that they were freeholders in those counties, and impossible they could be residents, and they ought not to have given their votes at those meetings. Let it not be supposed that he wished to shun a discussion in any assembly composed of intelligent and impartial persons ; but he could not respect such votes, unless he knew whether the attendance was spontaneous ; whether those who voted were independent in their opinion or in their conduct, or whether, on the other hand, they were paid for their services on those occasions. As to the meeting in Kent, he admitted it was far less numerous than he had anticipated ; but although the weather was most tempestuous, the attendance would have been immense, if the advice which he had given had been followed. [Earl of Radnor : "May I ask what that advice was?"] When he was connected with the noble Earl in any association for the protection of native industry, he should be happy to communicate any plan he might devise to carry their common object into effect. There was, he rejoiced to say, a person present at that meeting the right hon. Paymaster of the Forces (Sir Edward Knatchbull), who must not only have been gratified, but instructed. He must have felt that the opinions entertained in his own county prevailed universally, he must have seen what an implicit trust was placed in himself and his colleagues—what an unbroken confidence was still reposed in them—and what a favourable reception they must receive at the next general election. Nor could he be surprised at the result which the right hon. Gentleman must anticipate, when he and his colleagues had inflicted greater injuries, not only on agriculture, but on all the productive classes, than could have been supposed possible in so short a time. But it was said there were meetings



of a very different description, of an opposite nature to those to which he had already alluded, those, for instance, at Hertford, Bedford, Dorchester, and other places. The noble Earl opposite seemed to think that the farmers were generally converted to free trade doctrines, but let him look around, and tell him how many of their Lordships coincided with him in their opinions—why he might carry them all home in a hackney coach. If however, farmers seemed to be in favour of free trade, it must be observed that the report expressed on the Farmers' Association of Cambridge, and the Isle of Ely, had, in their opinion, no effectual protection that could be permanently secured to them, until the destructive tendency of entire free trade had been demonstrated by melancholy experience. In these views he agreed, while at the same time he could not help thinking that a total subversion of our institutions would follow the repeal of the Corn-laws. In agitating to carry his point, the noble Earl opposite, he was sure, would disdain to follow the course pursued by the hon. Member for Stockport, and say one thing to suit one audience and another to suit another audience. Mr. Cobden had told the farmers of Rye that they would have as high prices for their produce without the Corn-laws as with them. If such was the case, what became of the cry for cheap bread? What were they to think of the denunciations against the landed interest, as being blood-suckers, and vampires, and men who starved the great body of the community, in order to obtain high rents for themselves? Surely common honesty or at all events common sense, ought to make the Anti-Corn-law agitators hold the same language, whatever audience they might address. But they had lately declared that, even if they should attain their objects—objects fraught with ruin to every productive class of the community—they would not discontinue their efforts at agitation. They had ulterior views in contemplation, and it was instructive to consider what these ulterior objects might be. At a meeting held on New Year's Day of last year it was stated by Mr. Brooks that the object of the meeting was to petition for a total and immediate repeal of the Corn-laws, and for the appointment of a committee to consider the subject of compensation, and the meeting afterwards resolved, in order

to convince the then new House of Commons of the wide-spread hatred of what was called the "bread-tax," and the general desire of the people not only for a removal of that act of injustice, but for retribution on those who had perpetuated and profited by it, to petition both Houses of Parliament for the repeal of the Corn-laws, and to recommend in their petition the immediate appointment of a committee to consider the best way in which that compensation could be made which the people had a right to demand of the aristocracy. Now let their Lordships put this into plain English and what did it amount to—only a petition for the appointment of a committee of confiscation and prescription. He had some time ago attended a meeting at Aylesbury, where he had made some statements as to the ulterior intentions of the Anti-Corn-law League. Their Lordships knew that in these days, falsehoods, or to speak more plainly still, lies, calumnies, and misrepresentations of every sort were manufactured, with as much ease and expedition, as if newly-invented machinery had been employed for the purpose. Now it had been said in one of these vehicles the *Anti-Bread-tax Circular*, that upon the occasion alluded to he had made use of pretended or imperfect extracts. He threw back with scorn and contempt any charge which might be made against him in the paper alluded to; but he would not allow it to be said that he had ever made statements unsupported by the facts, they had been taken from the *Anti-Corn-law Circular* of January 14th 1841. His Lordship concluded by presenting petitions from Berks and Kent, praying for protection to native agricultural industry.

The Earl of Radnor would not have said a word upon the present occasion, had he not been so specially addressed by the noble Earl who had just sat down. He had been present at both of the meetings alluded to by the noble Earl, being connected by property with both Berkshire and Kent. He had, however, no hand in getting up these meetings—he had merely attended and expressed his opinions at them. At Reading he had moved the adoption of a petition, but had been defeated: however, he had experienced strong support, and he believed that it was doubtful whether he had not in reality a majority on his side. With respect to the Kent meeting, he had no hand in con-

cocting it, but he believed that the noble Earl opposite had—that, in fact, the meeting was of the noble Earl's own concoction. As to the doctrines he had maintained at both meetings, he believed them to be those of truth; they had been declared by the highest authority to be the principles of common sense; he thought they were the principles of abstract, and likewise of practical truth; and he believed that they would ultimately prevail, and the sooner the better. He would not defend all that might appear in the *Anti-Bread-tax Circular*. Many articles appeared in newspapers published in the heat of controversy, which the best friends of the cause they maintained would wish had not appeared; but on the whole he believed that the print alluded to had done much good in enlightening the public upon the real merits of the corn question.

Petitions laid on the Table.

Their Lordships adjourned at seven o'clock.

## HOUSE OF COMMONS,

Friday, June 16, 1843.

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Infant Orphan Asylum.

2<sup>o</sup>. Princess Augusta's Annuity; Chelsea Hospital.

*Reported.*—Fines and Penalties (Ireland).

3<sup>o</sup>. and passed:—Church Endowment.

*Private.*—2<sup>o</sup>. Liverpool Fire Prevention; Jackson's Divorce.

*Reported.*—Drumpeller Railway; Watson's Divorce.

3<sup>o</sup>. and passed:—Bolton Water Works; Borrowstounness Improvement and Harbour.

PETITIONS PRESENTED. By Messrs. Scholefield, Evans, Brotherton, Bell, Ogle, Rushbrooke, Busfield, Wawn, Miles, G. W. Wood, S. Wortley, S. Crawford, Morris, Cartwright, Thornely, Oswald, Hawes, Tancerd, James, E. Buller, and W. Miles, Viscounts Sandon, and Howick, Sir E. Filmer, Sir C. Lemon, and Colonel G. Langton, from an enormous number of places, against, and by Mr. McGeeahy, from Birmingham, in favour of the Factories Bill.—By Mr. G. Hamilton, from Tuam, and Aughrim, against the National System of Education in Ireland.—From Donoughmore and Drumlane, against any further Grant to Maynooth College.—From Loughinisland, against the present system of Education in Ireland.—From two Colliceries, against the Mines and Colliceries Act.—By Mr. M. J. O'Connell, from Stockport, for the Repeal of the Union.—By Mr. P. Howard, from Carlisle, against the Arms Bill.—By Sir D. Roche, from Listowell, for the Repeal of the Irish Poor-law.—By Viscount Sandon, from Liverpool, for Extending the Coroners Bill to that City.—From Liverpool, Banbury, and President of the American Chamber of Commerce, etc., in favour of Rowland Hill's Plan of Post-Office Reform.—From Bolton-le-Moors, against the Ecclesiastical Courts Bill.—From Roscommon, for Amending the Lighting, etc. of Towns (Ireland) Act.—From Kilkenny, against Ministers' Money.—From Bath, for Amending the Quarter Sessions of that City.—From certain Individuals, for the Repeal of the Corn-laws.—From several places, in favour of the Scientific Societies Bill.—From John B. Beeche, and John Murrow, against the Repeal of the Union.—From Huddersfield, in favour of the Waste Lands Allotment Bill.

STADE DUTIES.] Dr. Bowring rose to put the question of which he had given notice. He wished to know what was the state of the negotiations respecting the Stade tolls; and whether there was any prospect of a prompt settlement. Those negotiations had occupied several successive governments, and great anxiety was felt as to the issue of them.

Mr. Gladstone said, it was within the knowledge of the House that negotiations had been going on last year, between the British Government and that of Hanover, on the subject of the Stade duties, and were in a state of considerable advancement. The points which then remained for further discussion between the two Governments were not of very great magnitude at that time, when it was proposed by agreement between the King of Hanover and the Elbe-bordering States that the negotiations should be concluded in Germany, in order that it might be settled there by the parties who had the most immediate and substantial interest in the adjustment of the question; inasmuch as the ultimate burthen of those duties, however onerous they might be to the British trade, must fall on the consumers of the commodities on which they were levied. There was considerable hope at that time that this negotiation might lead to a speedy arrangement, involving a settlement of the question for other countries as well as this; and had it done so, it would have been more satisfactory than any other negotiation, not embracing all the parties who had an interest in the question, but confined to this country on the one hand, and Hanover on the other. This negotiation in Germany had now been in progress for, he believed, not less than five months, and the British Government were in great doubt whether any speedy issue of it was likely to be attained. For some weeks past the British Government had been employed in investigating the facts of the case, and they were by no means satisfied at the present moment, that a result would be speedily arrived at. In a very short time the British Government would have made up its mind on the question, whether there was such a prospect of settlement with the means now in operation, as to warrant them in trusting to those means, as the shortest way of solving the question between this Government and that of Hanover; but unless they should come to that conclusion very speedily, it was intended to make an effort to resume a



direct negotiation with Hanover, and bring to an issue a question which, as the hon. Member said, had been pending for a very great length of time, and caused a great deal of uneasiness and anxiety, in proportion to the magnitude of the interest at stake. It ought to be understood that the British Government had not given any pledge or held out any understanding that it would be concluded by any negotiation which might proceed between Hanover and the Elbe-bordering States. The British Government had been merely the attentive spectator of the negotiation, but they hoped it might have offered a chance of settlement, of which Government might have availed itself.

Viscount *Palmerston* said, if he understood the right hon. Gentleman rightly, the closing of the question at issue between Hanover and Great Britain, respecting the exemption of British commerce from certain tolls which the Government of Hanover had hitherto imposed, had by the British Government been allowed to depend on the negotiations going on at Dresden. But unless this negotiation at Dresden was to determine in some way the question between Hanover and Great Britain, he did not understand why the negotiation between Hanover and Great Britain should have been suspended on account of the negotiation at Dresden; but it appeared that the question of the right of toll between Hanover and Great Britain was suffered to be suspended until the negotiation between Hanover and the Elbe-bordering States at Dresden should have been brought to a conclusion. What he should wish to ask was, how Great Britain was represented at that assembly of plenipotentiaries of the Elbe-bordering States? He should wish to know what organ we had at this meeting, by which our right to be exempt from those tolls could be established, because it was obvious, if we had no organ there, we were to be in some way concluded by the negotiation; or, if it were not so, there was no sense in referring the subject to that meeting. He wished to ask, whether that board of the representatives of the Elbe-bordering States did or did not contain representatives of the States forming the General Union of Customs, which, so far from being interested in retrieving our commerce from the burthens pressing on it, had, from the very nature and principle of their confederacy, an interest in continuing burthens on British commerce.

Sir *R. Peel* said, that some time since negotiations had been entered into, or rather concluded, between Hanover and this country, for the purpose of forming a separate treaty, and proposals had been made on the part of this country for an amicable settlement of the differences which existed. These were not finally accepted by Hanover, and the negotiations were broken off in consequence of Hanover not acceding to the terms offered. Several other states had expressed a desire to bring this question to a satisfactory settlement, and had entered into negotiations for that purpose; their interests were corresponding to ours, but not exactly identical, and they endeavoured to make an arrangement with Hanover, which if effected on equitable terms, would be of great advantage to commerce generally, and therefore to this country; for it was quite evident that a mere partially arrangement between one state and another would not have the same good effects as a general arrangement, in benefitting the commerce of Europe. He had thought it better to wait the result of these negotiations before renewing the negotiations between this country and Hanover. At the meeting at Dresden we had no representative, but there was a person there of the highest intelligence to report on the proceedings, but with a distinct understanding that we were not to be concluded—knowing there were parties there who had different interests from ours—by any arrangement which they might make, if we did not think that arrangement rested on an equitable basis. Therefore by no possibility could the arrangement at Dresden conclude us, either directly or impliedly, unless we were satisfied with the justice of it. The injury had now been long sustained; there did not appear to be the same prospect that formerly seemed to exist of an amicable termination of the difference; and it became now a question whether it were not desirable for us to resume negotiations on our own part only, without waiting for the close of those at Dresden.

Viscount *Palmerston* said, perhaps the House was not aware that the question, as it stood between Great Britain and Hanover was this:—We contended that by the treaties, Hanover had no right to levy more than one-sixteenth per cent. on the value of our goods. He wished to know whether the question which was to depend on the decision of this conference at Dresden was, whether Hanover should levy

more than one-sixteenth? Whether, in short, the principle of the reference was, that if the congress at Dresden were of opinion that Hanover should levy more than she was entitled to by treaty, the British Government should acquiesce in the decision?

Sir R. Peel said, the congress had undertaken to consider the whole question generally, whether Hanover had a right to impose any toll, or a toll beyond one-sixteenth; but whatever decision they might come to, we were not concluded by it.

Subject at an end.

AMERICAN MANUFACTURES.] Mr. Hindley wished to know of the President of the Board of Trade whether the Government had made any inquiries as to the importation into this country of 400 bales of American manufactured cotton goods, and whether the right hon. Gentleman had formed any opinion as to whether our manufacturers would be much affected by American competition in consequence of that assignment.

Mr. Gladstone: It was with reluctance that he gave an opinion; but if the hon. Gentleman asked him for his opinion as an individual, he must say he did not believe any inference could be drawn from this importation that the relative position of our cotton manufacturers was at all changed. Importations from America were often made for the purpose of re-exportation. He believed that from the American ports a considerable quantity of goods had lately been exported for the east; but, at the same time, an infinitely greater quantity of British cottons had been exported from this country. He could not, therefore, say that he saw in these circumstances any grounds for the apprehensions that had been excited by them.

Mr. Thorneley stated, that he had yesterday received a letter from America to the following effect:—

“Our Lowell factories have run off their heavy stocks of heavy goods at low prices for export; say  $5\frac{1}{2}$  to  $6\frac{1}{2}$  cents for 37 inch, and  $6\frac{1}{2}$  cents for 30 inch drills; prime goods gone to Calcutta, China, Bombay, Manilla, and to the extent say of 35,000 to 40,000 bales;” (and added), that “the fact was, the Americans were successfully competing with us in the supply of cotton goods to China, India, and South America.”

PRINCESS AUGUSTA OF CAMBRIDGE.—  
THE LATE DUKE OF SUSSEX.] Sir R.

Peel moved the second reading of the Princess Augusta of Cambridge's Annuity Bill.

Viscount Howick did not rise to offer any observations against the bill. On the contrary, if he had been in his place on a former evening, he should have voted with her Majesty's Government in favour of the grant, but he hoped he might be excused if he offered to the House, and most earnestly recommended to her Majesty's Government, a suggestion thrown out a few nights ago by a noble Friend of his in another place. The House would easily see he referred to the suggestion which had been made of the propriety of making some provision for the family of his late Royal Highness the Duke of Sussex. He was perfectly aware that any proposal of this kind could only come from her Majesty's Government; therefore it was not his intention to make any motion on the subject. He should not even have gone so far as to allude to it at all, had he not known that there were in this case peculiar difficulties in point of form to be overcome; which might, perhaps, present an obstacle to the right hon. Baronet taking that course which he was sure his wishes would otherwise dictate. In consequence of these difficulties, he (Viscount Howick) trusted he might be excused if he took this, he trusted not unfitting, opportunity of expressing his own opinion. If the right hon. Baronet could overcome these difficulties, and should find it consistent with his public duty to advise her Majesty to recommend to that House to make some provision for the family of his late Royal Highness, such a proposal he was sure would by that House be received with great satisfaction, and most cheerfully agreed to. In this he expressed merely his own feelings, but he had no doubt similar feelings were entertained by many other gentlemen, in common with himself. The right hon. Baronet, some nights ago, in moving the address of condolence to her Majesty, paid a well-merited tribute, most honourably to his own feelings, to the admirable qualities of his late Royal Highness the Duke of Sussex. That tribute was too fresh in the memory of hon. Members, and he was too unequal to repeat it, to make it proper that he should attempt to go over the same ground. But he must say, that he thought, under the circumstances of this case, the family of his Royal Highness had a very strong claim, and he felt it the more, because he had the honour of being



a member of the Government at the time when a suggestion was made in that House for an increase of the pecuniary provision for his Royal Highness. To that suggestion they thought it their duty, and it was a most painful duty, not to accede, but he thought circumstances were now greatly altered; and, considering the numerous and weighty claims of his Royal Highness on the respect and admiration of the country, and also the difficulties in which his family were left, he hoped they would receive due attention from her Majesty's Government. He would only add, that he had taken this step without any concert or communication, directly or indirectly, with those whom it affected. He hoped, if he had acted indiscreetly, their interests would in no respect suffer from his indiscretion. He trusted the right hon. Gentleman would not give any answer at that moment, but that he would be disposed hereafter favourably to consider his suggestion.

Mr. *Hume*, as he wished to record his opinion against the bill, would take a division now, and move that the bill be read a second time this day six months.

The House divided on the question that the word "now" stand part of the question. Ayes 141; Noes 37; Majority 104.

#### List of the AYES.

Acland, Sir T. D.	Cresswell, B.
A'Court, Capt.	Damer, hon. Col.
Acton, Col.	Denison, E. B.
Allix, J. P.	Dickinson, F. H.
Antrobus, E.	Douglas, Sir H.
Arkwright, G.	Douglas, Sir C. E.
Ashley, Lord	Drummond, H. H.
Baillie, Col.	Ebrington, Visct.
Baring, hon. W. B.	Egerton, W. T.
Baring, rt. hn. F. T.	Egerton, Sir P.
Barrington, Visct.	Eliot, Lord
Benett, J.	Ellice, rt. hon. E.
Bernard, Visct.	Escott, B.
Blackstone, W. S.	Estcourt, T. G. B.
Boldero, H. G.	Farnham, E. B.
Botfield, B.	Ferrand, W. B.
Bramston, T. W.	Flower, Sir J.
Broadley, H.	Fuller, A. E.
Broadwood, H.	Gladstone, rt. hn. W. E.
Buckley, E.	Gladstone, Capt.
Bunbury, T.	Godson, R.
Byng, G.	Gordon, hon. Capt.
Cartwright, W. R.	Gore, M.
Chelsea, Visct.	Gore, W. O.
Childers, J. W.	Gore, hon. R.
Clayton, R. R.	Graham, rt. hn. Sir J.
Clerk, Sir G.	Greenall, P.
Clive, hon. R. H.	Greene, T.
Colebrooke, Sir T. E.	Grey, rt. hon. Sir G.
Conolly, Col.	Grogan, E.

Halford, H.	O'Brien, A. S.
Hamilton, G. A.	Paget, Col.
Hamilton, W. J.	Pakington, J. S.
Hanmer, Sir J.	Palmer, G.
Hardinge, rt. hn. Sir H.	Palmerston, Visct.
Hawes, B.	Peel, rt. hn. Sir R.
Hay, Sir A. L.	Peel, J.
Hayes, Sir E.	Pennant, hon. Col.
Henley, J. W.	Pringle, A.
Hervey, Lord A.	Round, J.
Hodgson, R.	Rushbrooke, Col.
Hogg, J. W.	Russell, C.
Hope, G. W.	Sandon, Visct.
Hoskins, K.	Seymour, Sir H. B.
Houldsworth, T.	Shaw, rt. hon. F.
Howard, Lord	Sheppard, T.
Howard, P. H.	Shirley, E. J.
Howick, Visct.	Smith, rt. hn. R. V.
Hughes, W. B.	Smith, rt. hn. T. B. C.
Hussey, A.	Somerset, Lord G.
Ingestrie, Visct.	Stanley, Lord
Irton, S.	Stewart, J.
James, Sir W. C.	Stuart, H.
Jermyn, Earl	Sutton, hon. H. M.
Jocelyn, Visct.	Tollemache, J.
Kemble, H.	Towneley, J.
Labouchere, rt. hn. H.	Tuite, H. M.
Lambton, H.	Turnor, C.
Lefroy, A.	Vernon, G. H.
Leslie, C. P.	Vesey, hon. T.
Lincoln, Earl of	Waddington, H. S.
Lygon, hon. Gen.	Welby, G. E.
Mackinnon, W. A.	Wemyss, Capt.
McGeachy, F. A.	Winnington, Sir T. E.
Manners, Lord C. S.	Wodehouse, E.
Martin, C. W.	Wood, C.
Master, T. W. C.	Wortley, hon. J. S.
Masterman, J.	Wortley, hon. J. S.
Miles, W.	Wrightson, W. B.
Mundy, E. M.	TELLERS.
Newry, Visct.	Fremantle, Sir T.
Northland, Visct.	Baring, H.

#### List of the NOES.

Ainsworth, P.	Hastie, A.
Archbold, R.	Hatton, Capt. V.
Barnard, E. G.	Hindley, C.
Blewitt, R. J.	Hutt, W.
Brotherton, J.	James, W.
Busfield, W.	Langton, W. G.
Chapman, B.	McTaggart, Sir J.
Christie, W. D.	Mitcalfe, H.
Collett, J.	Plumridge, Capt.
Corbally, M. E.	Roebuck, J. A.
Crawford, W. S.	Ross, D. R.
Currie, R.	Stansfield, W. R. C.
D'Eyncourt, rt. hn. C. T.	Stanton, W. H.
Duncombe, T.	Strutt, E.
Easthope, Sir J.	Thorneley, T.
Elphinstone, H.	Turner, E.
Evans, W.	Wawn, J. T.
Ewart, W.	TELLERS.
Fielden, J.	Hume, J.
Ferguson, Col.	Williams, W.

Main question agreed to.  
Bill read a second time.

ARMS (IRELAND) BILL COMMITTEE—  
ADJOURNED DEBATE.] The Order of the Day for the resumption of the debate on the Arms Bill (Ireland) was read.

Mr. *W. S. Crawford* rose to support the motion for a committee of inquiry. Inquiry ought to precede the further progress of the bill, otherwise the bill would be considered the first stage in a new era of coercion. It proclaimed a distrust of the whole Irish people from the highest to the lowest. No solid argument had been used in support of it. It had been stated to be founded on former precedents. He admitted there was a long continued series of precedents, but he said that was no reason why they should be continued. The system had lasted for years, and done no good. Precedents, therefore, were of no value. It was said their system had been followed by former Governments. He did not defend former Governments, whether Whig or Tory, and he thought the conduct of former Governments was no reason for this bill. Another reason given was the opinion of the officers of the constabulary. But everybody knew that men intrusted with arbitrary power sought to increase that arbitrary power. That reason, therefore, had no weight with him. Another ground was the crimes that were committed in Ireland, and it was thought that depriving the people of arms would restrain them from the commission of crime. Now, a return had been made to the House of the crimes committed in Ireland in April last. What was the number of homicides throughout Ireland in that month. Eight; and of these only one was connected with fire-arms. Now, though there was a great quantity of crime in Ireland, it was wonderful there was not more. He did not believe there was an evil spirit in the people. If so, there would be more crime. Political causes might have some considerable weight in arousing to crime. The grievance of the Established Church might be of weight, but all these were nothing compared to the great grievance of the rack-renting system of the landlords of Ireland. That was the grand cause of discontent. The distressed state of Ireland was chiefly attributable to the conduct of the landlords. He alluded to the extensive system of ejectment that had been carried on in different parts of Ireland, and the numbers of families that had been turned out upon the world in consequence.

The ejectment system was not confined to either party—both parties were equally culpable. He was bound to say, however, as the county of Donegal had been mentioned, that he did not find the name of the hon. and gallant Member for the county (Colonel Conolly) among those connected with these processes. In connexion with this subject he would advert to the memorial that had been presented by 171 families, tenants of Lord Lorton, complaining of the manner in which they had been dispossessed. That document was an evidence of the existence of a state of things which it was dreadful to contemplate. It was frightful to think of so many poor families being turned adrift. Of course he only spoke from what had appeared in the newspapers, but at the same time it ought to be contradicted, if that was possible. He had also presented a petition yesterday from a place in Armagh, a district not affected by political agitation, in which some alteration in the law of landlord and tenant was prayed for. He had also introduced a bill for the purpose of effecting some such change by giving the tenant an interest in any improvements effected by him on the land he occupied. This, he considered, would afford a sort of guarantee of a fixity of tenure in the tenant. It would assimilate the practice generally to the practice already prevailing on the best estates, and give the tenant a protection against any grasping and hard-hearted landlord. He could not hope at this period of the Session to carry the bill this year, but it would be of advantage to have the subject discussed. He could assure the Government, that a measure to regulate the law of landlord and tenant would do more to tranquillize Ireland than all their measures of coercion. He had always been for the maintenance of the British connexion; but, at the same time, he could not wonder that the Irish people, suffering as they did, should resort to any means to remedy the evils under which they laboured. He desired to see remedial measures adopted, and, above all, some law for the regulation of the law between landlord and tenant, but in the absence of such measures, and entertaining the views he did, he should support the motion of the hon. Member for Waterford.

Mr. *Lefroy*, who was almost inaudible, was understood to say, the hon. Gentleman had made reference to some charges that



had been made against a noble relative of his, Lord Lorton, which charges he (Mr. Lefroy), although having had no notice of them, was most anxious to be able to meet. It was a great evil that Gentlemen on the other side should thus bring forward charges against landlords in Ireland without affording the parties attacked the opportunity of answering them. Those charges, to which the hon. Gentleman had referred, certainly were made with a very ill grace against a nobleman who had lived for forty-three years among the Roman Catholic population, and was beloved by them, and who had expended between 200,000*l.* and 300,000*l.* in improvements. The property of that noble Lord was let in 1792 on lease for three lives, and since that time the population upon it had much increased. In 1842 those lands came out of lease, and then the noble Lord reset them in small divisions. One property had been set in twelve divisions, of not more than twelve acres each, at a rental of 1*l.* an acre. Another property had been set in divisions of nine or ten acres, with only one holding of forty acres. The large properties had been held by Protestants, but the divisions were now held by Catholics. Other properties were set in the same manner, and there was only one property, which was formerly let in twenty-seven divisions, that was now let in twenty-six divisions, with one large holding of fifty-seven acres. In fact, the noble Lord, on one property of between 700 and 800 acres, had provided for 100 families. The memorialists complained, in the petition referred to by the hon. Member for Rochdale, that six large farms had been let to Protestants, but those farms had been made out of one large grazing farm of between 500 and 600 acres. The noble Lord had said, with respect to the tenantry, "God forbid that I should put off one man on account of his religion;" and he believed Lord Lorton to be in every respect a good landlord.

Mr. *B. Wall*, from his knowledge of the character of the noble Lord who brought forward this measure, was prepared for the moderate tone in which it had been introduced. Would that the moderation shown within those walls might meet with a response in the breasts of the people of Ireland, and influence the conduct of the hon. and learned Member for Cork, who, perhaps, possessed more influence in that country than either the Viceroy or the

noble Lord the Secretary for Ireland, and who, he thought, would do well to tell the people, over whom he exercised a sway so powerful, to give the English Parliament one more trial, that Parliament, as it appeared to him were disposed to adopt a new line of policy with regard to that unfortunate country. The Whig Government against which something had been said, for maintaining the Arms Bill during its continuance in power, were obliged to do that because previous legislation had made it unwise to dispense with such a measure. He agreed with the sentiments expressed by Mr. Sheridan and Sir R. Pigot, in 1807, that it would be wiser to attempt to govern Ireland through the affections of the people than by an appeal to their fears. If this bill were really necessary, why not make it part of a general and permanent system? Without wishing to cast censure on the Government, he could not help thinking it unfortunate that so many circumstances had occurred lately, calculated to throw suspicion on this bill. What was the state of Ireland at this moment? A fleet sailing to her shores, troops disembarked, the guard at the Castle doubled, loopholes cut in the barracks—all evidences that the Government were disposed to treat that country as if they felt some alarm with regard to its present condition. He did not question the right of the Government to take necessary precautions; but he could not help regarding it as an unfortunate circumstance that such a measure as this should be introduced unaccompanied with others of a conciliatory nature. He objected to the duration of this bill, and he objected to its vagueness. If such a bill were necessary, he thought it ought to be distinguished as much as possible from those in conformity with the constitution; he thought it ought to be made as unconstitutional as possible, in order that it might be fully understood to be a temporary act, necessary for a particular purpose and for a particular time. Another objection was, that it would hamper the Government at a future time, whether that Government should consist of hon. Gentlemen opposite or of any other party. Ireland would be not only the chief difficulty to the right hon. Baronet, but it would be a constantly increasing difficulty. He further objected to the bill, because it created distrust, unaccompanied by any feelings of satisfaction. Look at the state of the country and the

powerlessness of the executive. Some measures either of conciliation or of coercion were undoubtedly necessary for Ireland, but he was for measures of conciliation. It was not, of course, the duty of hon. Members on that (the Opposition) side of the House to originate such measures, but he hoped that if the Government failed in this, the noble Lord, the Member for the city of London would come forward and state his views with regard to Irish policy; and he felt convinced that, in the present posture of affairs in that country, all party feelings and prejudices would be laid aside. He should feel it his duty without being factious to throw every impediment in the way of the present unconstitutional measure.

Mr. *P. Howard* hoped this bill would be withdrawn, and presented again in a more temperate and constitutional form. Some of its provisions were far too stringent; for instance, it exposed men to be transported for the possession of arms on conviction for the first offence. He would rather support a small increase in the military force of the country than resort to such a tyrannical enactment. A conciliatory policy had already been tried in Ireland under the administration of a late Lord-lieutenant, and had been most successful. Unless her Majesty's Government would withdraw this bill, and bring forward a less stringent and oppressive measure in its place, he should feel it to be his duty to support the motion of the hon. Member for Waterford. He did not pursue this course from any wish to court popularity, and if he had been influenced by the invectives uttered against him by that extraordinary man who possessed great power among the population of Ireland, he would have adopted a very different line of conduct. During the serious disturbances and riots which very recently took place in several districts of this country it was not considered necessary to adopt such measures as that before the House for their suppression; and yet on the mere anticipation of disturbance in Ireland this measure was brought forward. He considered the bill most unconstitutional in its character, and he would give it his decided opposition.

Mr. *Villiers Stuart* said, he would support the bill, but he wished to be understood as not pledging himself to many of

the details of the measure. He considered that most of the evils under which Ireland was labouring were attributable to the mis-governments of that country. He thought it was not surprising, looking at the general spirit of the legislation adopted by this country with regard to Ireland—legislation which had tended to the degradation of the majority, and to give ascendancy to the minority—that all laws applied to that country were looked upon with jealousy and apprehension, and that the administrators of those laws were regarded with suspicion. For a long period Ireland—a Catholic country—was governed by a Protestant minority; and no Catholic could hold a situation of trust under the Government. The people found that they were unable to obtain justice, and was it to be wondered at that, in many cases, they took the law into their own hands, and reduced the country to a most deplorable condition? He did not mean to intimate that, at the present time, there was any just ground for complaint as to the way in which justice was administered in Ireland; but after a former course of mis-government, there still remained a spirit of mistrust among the people. If he considered this a coercive measure, he certainly would not give it his support; but he considered it a bill which would effect improvement in the police system. He trusted that he should not be considered an enemy of the liberties of his country because he did not oppose this bill, for he was influenced by a belief that it would tend to the protection and preservation of life and property. He trusted, however, many of its provisions would be considerably modified, and unless such were the case he would feel it to be his duty to vote against it in a future stage.

Mr. *Redington* did not agree with the hon. Gentleman who had just sat down, in thinking that this bill had any tendency to preserve life and property, he regarded it as a measure of severe coercion, which would materially abridge the liberties of the people of Ireland, and he would therefore give it his opposition. He was surprised that during the former debate which had taken place on this subject some better reasons had not been advanced for the proposal of this measure. The noble Lord the Secretary for Ireland had admitted that within the last five years there had been a very considerable decrease in the number of homicides committed in Ireland; and



he asked the House whether, after such an admission, they could give their assent to this bill? The Government ought, he conceived before they brought forward a measure of this nature, to have been in a position to show that the condition of Ireland rendered such a measure necessary. He believed that the Government had acted, and were acting, under great ignorance with respect to Irish affairs. The right hon. Baronet opposite (Sir R. Peel) had long laboured under such ignorance; and, though he had become a convert on the question of emancipation, many of his colleagues and friends still entertained the right hon. Baronet's old views. The Minister of this country was supposed to possess the confidence of a majority of the empire; but while one portion of the Irish nation supported the right hon. Baronet, the great majority of the people regarded him with distrust, and it was difficult to persuade them that they ought to be governed by a Minister who possessed the confidence, not of the majority, but of a minority in that country. He felt it his duty, as he had before stated, to oppose the present bill. The onus lay upon its supporters of proving its necessity. The old Arms Bill had never been enforced in Ireland; and, strange to say, in modern times, the county in which most arms had been registered was Tipperary, in which most serious crimes were committed. One reason for opposing the measure was, that now, for the first time, it was proposed as a preventive of assassination. The right hon. Baronet should state some better grounds for the revival of an absolute measure. Forges had never been practically registered in Ireland. All these restrictions had been proposed at times when rebellions were anticipated in Ireland. Only one pike had been registered in the county of Meath from 1828 to 1832. Was this bill a portion of that system of conciliation which the right hon. Baronet was fond of priding himself upon, as applied to Ireland? The plea for the bill founded on its pretended effect in preventing assassination was utterly absurd, because the monsters who went to murder did not sharpen their deadly weapons at public forges. The people of Ireland had been obliged to allow too many grievances to remain upon the statute-book, and it was ungenerous in the right hon. Baronet to taunt the Irish Members with having been unable to remove them; for it was to the

right hon. Baronet himself that they owed this inability. So much had the people of that country been accustomed to endurance that they might perhaps have allowed this bill to remain further on the statute-book had there not appeared symptoms of a disposition on the part of the Government to revise it with increased severity. If the right hon. Baronet would govern the empire in peace he must become as much an Irishman as an Englishman.

Mr. *Escott* perfectly agreed that it was the duty of English not less than of Irish Members, to consider temperately, the grounds on which they meant to give their votes on the measure; and he begged first to express his surprise that the hon. Gentleman who had just sat down, and who professed to be desirous of considering the measure duly, should have ventured on an unworthy taunt at the right hon. Baronet at the head of her Majesty's Government. If the epithet "ungenerous" were ever correctly applied it was to that man who owing his seat in that House principally to the right hon. Baronet, could utter such a taunt. The right hon. Baronet had done more to forward the substantial welfare of Ireland than any other Minister. It was difficult for English Members to understand the different views taken of the question before the House. The hon. Member for Guilford, who opposed the bill, regretted that it was not more unconstitutional and more repugnant to the principles of liberty, whilst the hon. Member for Carlisle, who also spoke against it, expressed a hope that it would be rendered less unconstitutional in committee. After a debate of three nights no new light had been thrown upon the question. It had been argued that the bill was not the same in principle as the previous arms bills. This however, appeared to be an after thought, suggesting itself since the discomfiture on the former debate. [Mr. *Redington* had urged the argument before the second reading.] He understood during the whole of the former debate that the bill was admitted to be similar to the former one, and he did not understand that any distinction had been shown between the present and the previous Arms Acts. He admitted that the measure was an unconstitutional one, and that nothing could justify it but the unhappy circumstances in which Ireland was placed. The hon. Member for Sheffield accused the present Government of being the cause

of the increase of crime in Ireland, which rendered necessary such a bill as the present. In making the statement, the hon. Gentleman admitted the increase of crime. What charge, however, had the hon. Gentleman brought against the present Government, of whom, when speaking of those who composed it, he used the handsomest language, giving them every credit for high character, just designs, and benevolent intentions? Whilst using this language, however, the hon. Gentleman asserted, that the disturbance in Ireland was attributable to the present Government. He would tell the hon. Gentleman that the disturbed state of Ireland was attributable to one cause, and to one cause alone. One man caused the disturbance in Ireland. It was admitted by the hon. Member for Lambeth, that one person caused the agitation by his power in the country, but it was urged that the present Government was the cause of the existence of that power. What, however, had been the act of the Government which caused the agitation? He was anxious to avoid saying anything which might be deemed offensive, but he was bound to state the truth, and he would tell the reason of the present agitation in Ireland—it was because the present Government had not thought proper to vest the whole of the patronage of that country in a single individual. He, too, was of opinion with the Government that it was not their duty to do so; and if that, as he believed to be the case, was the cause of the present agitation in Ireland, he could not admit, that the disturbed state of that country was attributable to the present Government. The hon. Member for Sheffield stated the Established Church to be one of the grievances of Ireland, but this was no addition to the stock of information, as the same opinion had been previously expressed by the hon. and learned Member for Bath. He would not deny that a church with the doctrines of which a majority of the people differed would necessarily be a difficulty in the way of any Ministry, and the present Government admitted the difficulty; but he could not agree in thinking, that the way in which such a difficulty was to be overcome, was by sweeping away the Church, and confiscating its revenues. That which, above all other things, retarded the improvement of Ireland, and prevented the advantages which that country would reap from tranquillity, was an

agitation such as the present, from which no class in the community could possibly derive any advantage. If Mr. Pitt, when in office, had had power to carry out his intentions at the time of the union, and could have done what he proposed by means of the Roman Catholic priesthood, Ireland would not be now in her present state. There was some truth in the arguments of those who urged the application of the British constitution to Ireland; but that could not be done whilst an agitation was going on in that country, which was swayed by one man, nor could the Irish people expect it until they showed on their part a disposition to abide by the principles of law and justice. The leaders of the people in Ireland goaded them on to madness, and then their wild passions forged fetters for themselves. It had been well said, that this was not, as had been represented, a bill to fetter the people of Ireland; but that it was a bill to protect them, and, so far from being unnecessary in the circumstances of that country, it would most probably restore them to a state which would fit them for the enjoyment of better laws, and an extension towards them of their full share in the British constitution.

Mr. Sergeant *Murphy* felt called upon to make a few observations on a question so interesting to the people of Ireland, and more especially after the present state of Ireland had been so frequently referred to to warrant the introduction of the bill. He was not open to the reproach, if reproach it were, which, during the debate upon this subject had been so frequently levelled against hon. Gentlemen on his side of the House—namely, that they assented to propositions of this sort when made by the late Government. He had no seat in the House at the time, but if he had he would have been equally prepared to give the same opposition to those measures which he then intended to offer to the present. What was it that rendered this bill necessary? His right hon. and learned Friend, the Member for Clonmel, had shown last night, from statistical documents, that offences of the nature, the suppression of which the bill was supposed to contemplate had considerably decreased from 1837 to 1841. If that were the case, and if the species of crime alluded to had increased since 1841, he (Mr. Murphy) contended, that the altered state of things was referable to the alter-



ations in the administration. But what was the object of the proposed bill? Would it prevent crime in Ireland? Would it protect those who were allowed to have arms in their possession? Its practical effect would be to add violence in procuring arms to the additional violence to which their possession was to be applied. The hon. and learned Gentleman who last addressed the House, and other hon. Gentlemen on the opposite Benches, attributed entirely different objects to the bill. The noble Lord, the Secretary for Ireland, stated that the measure was introduced quite irrespectively of the agitation which was now taking place in Ireland, whilst the right hon. the Attorney-General for Ireland appealed to the existence of what the right hon. Gentleman called violent and outrageous meetings. The right hon. Baronet at the head of her Majesty's Government agreed with the noble Secretary for Ireland in stating that the bill was irrespective of the agitation, while another right hon. Baronet, the Secretary of State for the Home Department, said, that in the present state of things in Ireland, it would be worse than perilous now to abandon the bill. Which party was in the right? The hon. and learned Gentleman, the Member for Winchester, argued in favour of the bill, because, as he said, the country was agitated to gratify the ambitious views of one individual, who, for his own objects, would thwart the power of every Government. He would ask, did the hon. and learned Gentleman ever know in the history of any country—did he ever know of any individual acquiring such entire sway over the popular mind as the hon. and learned Member for the county of Cork, if there was not something behind, some real and practical grievance, which enabled him to fan the flame of agitation? The hon. and learned Gentleman was one of those who had opposed the measures which the people of Ireland sought to have carried. Did he want to know how it was, that the hon. and learned Member for Cork had acquired such sway over the minds of his countrymen? That Gentleman was familiar with the wrongs of his countrymen; he was well acquainted with the insults which had been offered to them; he knew how slowly every concession had been made, and with what a bad grace each grievance had been redressed. It was not to be wondered at,

then, that in every agitation, whether for Catholic emancipation, whether on the subject of tithes, or whether as related to the question now agitated in Ireland—it was not to be wondered at, that the hon. and learned Member for Cork should be the mouthpiece of his country. There had this new element been introduced of late years into agitation in Ireland—namely, that the opponents of the masses there had now to deal with temperate, sober men—men who had given that best of all examples, the example of conquering their own bad passions. The manner in which the elements of discord now abroad in Ireland had been dealt with by Government was most unfortunate. He believed indeed that, in their secret souls, the right hon. Baronet and his colleagues were in the highest degree angry and annoyed at the most ill-advised proceeding of the Lord Chancellor of Ireland; but there the proceeding was, and had produced its effects, just as though it had been the deliberate act of the right hon. Baronet. Another most infelicitous coincidence had been, that the denunciations which had in the first instance been made of the agitation in Ireland had gone forth from the quarter in either House which was peculiarly unpalatable to the Irish people, as being identified with that principle of ascendancy which had been the cause of such severe suffering to the Irish. He called it a fortuitous coincidence, for it was nearly impossible that a man so astute, so adroit, so cautious, as the right hon. Baronet, could have made a selection of means so utterly unadapted for conciliating the Irish people. The consequences of Sir Edward Sugden's proceeding were most mischievous. He honoured the motives of those magistrates who had resigned their commissions, but he regretted that they had found it necessary to take that step. The history of the disturbances which had taken place in Ireland for a long series of years, showed that a great proportion of them had been owing to the fact, that there were so few magistrates in whom the people could place confidence. The practical result of the measure itself would be to place arms in the hands of those whom the people rightly or wrongly believed to be hostile to them. As to the proposition which had been advanced, that mere numbers, without reference to the object of assembling, constituted illegality, it was mere absurdity.

If this principle were admitted, the crowds who had met on Ascot Heath during the last four days were all amenable to the law. What suggestion of violence had there been at any of the late meetings in Ireland? There had been numbers, vast numbers, collected together, but no violence of any sort. Not a single tendency to outbreak had been manifested, not a single act of aggression upon "the peaceable and well-disposed inhabitants." All that these immense crowds had done, was to listen quietly to the discussion going on, and then to retire peaceably to their homes: multitudes, composed of 20,000 men, of 200,000 men, had acted as peacefully, as properly, as though but twenty had been assembled. What was it they did at these meetings? What was it they sought? What they did, was to discuss an act of Parliament; what they sought, was to have that act of Parliament repealed: and he (Mr. Sergeant Murphy) did not conceive that any person would be found to say, that these were illegal proceedings. Certainly, no one had as yet suggested them to be illegal, although the House had been challenged on the subject by the hon. and learned Member for Bath. Some of the provisions of the bill were as absurd as they were unjust and oppressive. There was the 26th clause for instance, which made it penal for any person to have in his possession any weapon, or any instrument that would serve as a pike or spear. [Sir Robert Peel: similar words were in the measure introduced by the late Government.] He did not care how many bills they had been in, nor by whom introduced, let the framer of them be *Tros Tyriusve*, Whig or Tory, the words were absurd and preposterous. According to this clause, a man could not have a spit in his kitchen, without being liable to seven years' transportation. The clause went on: "unless he can show that such weapons are for some lawful purposes, or were placed there without his knowledge, privity, and consent." How was a man to know anything about the matter? What was there to hinder a man's enemy from concealing some weapon in his hay-loft, or in the thatch of his cottage, or anywhere about his premises; and then, as those who have hidden know where to find, informing against the unhappy victim of treachery before some magistrate of ascendancy principles, and having him assuredly transported. It was

well known, that when the constabulary in all such cases had the power to investigate and examine, they well knew how to give a colour and a turn to the simplest things, and, with such witnesses, such an informer, and a prejudiced and hostile judge, what chances of escape would the most innocent have. Nay, with such a trap as was here prepared, even the best intentioned and most upright magistrates might fall into the snare. A case of a very horrible character occurred a few years ago in the county of Tipperary, where a pistol was concealed by some person in a churn, or some other vessel full of milk, belonging to a poor woman, whose husband was seeking work in England. The poor woman, the mother of seven children, one of them at the breast at the time, was informed against, convicted of having this weapon found on the premises, and sentenced to transportation. The husband on his return home was agonised at the deep and undeserved misery that had befallen his wife and his children. Fierce passion took possession of his mind, and, bent upon executing what had been termed the wild justice of revenge, he murdered the magistrate who had taken the most active part against the poor woman, and was himself shortly afterwards taken and executed for the crime. Law should be, not a trap for the unwary, but a protection for those who mean to do well. Laws, however, of the present description had, time out of mind, been made use of in Ireland for the worst purposes. Riband passes had, in many cases, been secretly conveyed into a man's pocket, and immediately afterwards made the subject of an effectual information against him. He therefore asked the Government whether they would allow it to go forth, that they were determined to adhere to such stringent provisions as these, when they would afford to the spirit-stirring speeches of the hon. Member for the city of Cork, such ample means to attack the Government? He prayed the Government to take these provisions out of it. [Sir J. Graham: Let us go into committee when they can be modified.] He was fully prepared to go into committee, and he hoped that these clauses would be modified. But he would ask the right hon. Gentleman whether, but for the opposition which had been so largely made to these clauses, he would have been prepared to modify them.



They had obtained that modification now, and he was glad of it; he, however, placed perfect reliance on the good feeling of English gentlemen, who, when any case of hardship was made apparent to them, would not allow any party to be run down. He trusted, when the right hon. Baronet went into committee, that he would be prepared to give up the two particularly hard clauses to which he had adverted. He had not intended to speak on the present occasion, and he had no wish to present himself to the House, when the bill had already been so fully discussed, and when he was aware, that he could give no new feature to the debate. It was a matter, however, the topics of which were perfectly familiar to his mind; he therefore had trespassed on the House. He could not bring himself to support these stringent clauses for any such reason as had been urged by the hon. Member for Winchester, who said that they involved the elements of control, and they would enable the people to enjoy liberty at some future period. He might tell the hon. Gentleman, however, that the people of Ireland were determined to maintain the position they now held. If her Majesty's Government wished to do away with the agitation respecting Repeal, the only course they could adopt would be to wipe away every invidious distinction which existed, and put the people of Ireland and England on a footing of perfect equality.

Lord *Eliot* wished to say, that the clauses which had excited so much indignation on the part of the learned Sergeant, had been expunged from the bill. He had stated this before, and he would go into further explanation when the House got into committee. If the learned Sergeant would look at the amended copy of the bill, he would see that clauses 25 and 26, which appeared in the former bills, had been struck out.

Colonel *Conolly* could not conceive what the hon. and learned Member meant, by saying that under the present agitation there were some latent principles, which appeared to the minds of the Irish people to proceed from misgovernment. The hon. and learned Gentleman ought to have given some explanation of this, for to him (Colonel Conolly) the present agitation seemed to involve two points: the one was an interference, or rather, a forfeiture of property, by the adoption of what was called

fixity of tenure; and the other was the attack upon everything Saxon or English, which meant total separation from this country. The truth was, that under the pretence of this agitation, which was to adjust all the wrongs of Ireland, it was intended that any one should interfere with the tenure of land but the landlord. He protested against the attacks made by the hon. and learned Member for Cork on the magistrates of Ireland. It was possible that cases of abuse might formerly have taken place when the magistrates did not keep a record of their proceedings; but at present they reported every month all that occurred in their respective districts to the Attorney-general, who would take care that nothing improper should pass unnoticed. The allegation which the hon. Member had made, with respect to the woman who was transported for having concealed arms, must have occurred at a very remote period. [An hon. Member: "It occurred in Tipperary in 1818."] He had never heard of the occurrence before, and he thought that it was one of those matters that were put forth from the peace of Limerick as grievances of Ireland. One of the great evils of Ireland was, that interested demagogues by exciting and inflammatory speeches induced the people to keep arms, which led to the resistance of the law, and to the commission of the most serious crimes. He could not sit silent and hear the attack made by the learned Sergeant on the Irish magistrates, who he was sure, would not prevent any person who was fit to be intrusted with arms with having them.

Mr. *Truitt* was decidedly of opinion that an Arms Bill was necessary for Ireland, but not one containing such harsh provisions as were embodied in the present bill. He would suggest that if the Government were determined to brand arms, that they should also either brand or place some mark on the police, who had to look after arms, so that they could be readily recognized and identified. One of the provisions of this bill appeared to him to be monstrously absurd—namely, to enact that there should be a register of forges, with the view of preventing the manufacture of pikes, because, notwithstanding any such register, you never could prevent their being made. The present bill increased the severity of the penal clauses to such a degree that it would almost appear that there was some desire on the part of the Government to show great feelings of

alarm as to the state of the country. He deeply regretted the nature of much of the agitation that had obtained in Ireland, but the accounts that had been given of the extent of it had been greatly exaggerated; and he could not help feeling that it would be well for the noble Lord the Secretary for Ireland to make some inquiries as to the real numbers that attended the Repeal meetings. He knew that in many instances the number was greatly magnified, and there would be no difficulty on the part of the noble Lord to obtain accurate information on the subject. In the case of a recent Repeal meeting in the county of Westmeath, he had seen it stated that upwards of 170,000 persons were present at the meeting. As this took place in his neighbourhood, he had made a point of visiting the spot where it was held, and had the extent of ground covered by the people who attended this meeting at Mullingar measured, and he found that it was quite impossible that more than 12,000 persons could have been present. This was one of the great meetings at which Mr. O'Connell was present, and the accounts of the numbers present at it varied from 90,000 to 170,000. He asked, was the Government doing its duty to allow the country to be alarmed with such absurd statements, when they could so readily obtain tolerably accurate returns of the numbers present at such meetings? Was it the wish of the Government that these monstrous stories should go forth uncontradicted, that it might furnish them with an excuse for passing these extremely severe enactments, many of which never could be put in force. There had been another Repeal meeting at Longford, with which county he was also connected, and he intended to have had the ground measured where the meeting was held, had he not been prevented; but he had been assured that the most exaggerated statements had been made with respect to the number of persons present. He had hastened to this country to take part in the discussion of this bill, and he wished to know what grounds there were for adding such severe clauses to this bill. They had been told that the 25th and 26th clauses had been struck out of the bill; this was all that they knew, and they had not been informed when that took place. The truth was, that you might make this measure as stringent as possible, and yet, in a great multitude of cases, it would be inoperative, for those who possessed arms for dangerous

purposes secreted them for the most part in bogs and ditches, and it was hardly possible to find any trace of them. If the old Arms Bill had been made effective, the magistrates would have done all that was necessary, without resorting to these stringent clauses. He regretted that the Government had not shown a more friendly disposition to the people in their legislation; for if that were the case it would allay a great deal of the agitation that prevailed. For instance, there was a bill now before Parliament for the amendment of the Irish Poor-law, and he would recommend that the Government should introduce provisions to make the absentee landlords pay four times as much poor-rates as the resident landlords. Such a measure would give much satisfaction in Ireland. He conceived that it was the duty of the House to oppose all stringent and severe measures for Ireland until measures of conciliation had been brought forward and tried. For his own part, he did not care what Government was at the head of affairs, for he looked to measures and not to men, and he had nothing to ask from any administration, provided that they carried out measures that would conciliate the feelings of the people and remove all just grounds of complaint.

Sir R. Peel said, I do not mean, on the present occasion, to enter into any discussion of the general question, having had, on the occasion of the second reading, an opportunity of stating my views on that subject. I rise merely to refer to an individual case which has been adverted to in the course of this debate, by the learned Sergeant opposite, and I know that individual cases, when stated with that rhetorical power which the learned Sergeant can so well command, often make a greater impression than a lengthened or elaborate argument. Now the hon. and learned Member did state a case which I perceive made a considerable impression upon the House, namely, the case of a woman, who, in the absence of her husband, was convicted of having arms concealed on her premises; that her husband was at this time at work in England; that the woman was found guilty, and sentenced to transportation; that her husband, on his return, actuated by wild feelings of revenge, murdered the magistrate, who had been active in the conviction of his wife, and that for this murder he was afterwards executed. Now, the statement that under one of the clauses of the bill similar acts



might take place, seemed to make a great impression on the House, although my noble Friend had previously stated, that the clause referred to by the hon. and learned Gentleman was one which he was ready to modify, or give up altogether. But my recollection of the case stated by the hon. and learned Member is different so far, as the murder of the magistrate is concerned. I was Secretary for Ireland at the time, and I am now speaking from memory of an event which took place twenty-eight years ago. The House will readily believe, that speaking at this distance of time, I may possibly be in error, but the statement made by the hon. and learned Member does forcibly remind me of the circumstances attending the murder of Mr. Baker, the magistrate alluded to—and when I state the circumstances attending the murder of this gentleman, the House will readily account for the unwillingness of those who remember those circumstances, and who, as part of the Executive Government were obliged to make active exertions to bring the perpetrators of this crime to justice—the House will account for the desire of those persons not to part with a measure calculated to prevent the commission of outrages of this description. When I state the circumstances attending this case, the House will see that there are peculiarities connected with the commission of crime in Ireland which do not exist in England. The case referred to was that of the murder of Mr. Baker of Lismaeue. My recollection of the circumstances attending the murder of this Gentleman are these—but, as I said before, I may be incorrect in the particulars, as I am speaking now after a lapse of twenty-eight years, and many intervening circumstances may have disturbed in my mind the accurate recollection of the facts of the case. A house in the county of Tipperary was openly attacked, and I am not sure whether some of the inmates were not murdered. Mr. Baker was a very active magistrate in the district, and by his exertion some of the perpetrators of this outrage were brought to justice—in consequence of this, a conspiracy was formed to waylay and murder Mr. Baker. This gentleman had been attending the sessions at Cashel or Clonmel, and he was met on his way home, and murdered by four or five armed persons, who lay in wait for him for that purpose. The Government offered a reward of 5,000*l.*, for the discovery of the

murderers, being at the rate of 1,000*l.* for the conviction of each of the assassins. This reward was offered to be paid to any body except the parties who actually fired the shot by which this unfortunate gentleman lost his life. A man came forward to claim the reward, he having given information which led to the conviction of two of the assassins. This man claimed the reward, and I myself paid him 2,000*l.*, on the conviction of two of the persons whom this man prosecuted. This man was a person of profligate habits—he was the natural son of a farmer of considerable wealth, and on account of his habits had been banished from home. Though this person did not fire the shot, he had organised the conspiracy to murder Mr. Baker. It appeared that it being known, that there were three different roads by which Mr. Baker might return home, there were three parties armed with guns, appointed to put him to death, each party, consisting of four or five persons, and one of those parties was stationed on each of the roads. It appeared that they could have no cause to bear him any ill will personally. It appeared that he was a benevolent gentleman very much beloved and respected, and his only offence was, that, as a magistrate, he had exerted himself to bring the perpetrators of a serious crime to justice. This conspiracy was formed to murder Mr. Baker by means of fire-arms, and on the road on which Mr. Baker actually went, he was met and assassinated, but it was clearly proved that had he taken any other road than that by which he went, there was a party stationed there for the same purpose of effecting his assassination. What a horrible state of society does that case expose! I am speaking, I know, from memory, after a lapse of twenty-eight years, but no case ever made so strong an impression on me as this. Let the House consider of a conspiracy to murder a magistrate, organised by a man who had no reason to bear him any ill will. Fifteen persons were engaged in it; in order that he might not pass in safety, they were all prepared, stationed, in parties of five, acting each for itself, and the man who organised the plan of murder secured the reward for informing. When we are told that it is an insult to Ireland to bring forward measures of this kind, and that Ireland ought to be subject to the same laws as prevail in this country, surely we may call attention to the peculiarities that distinguish the com-

mission of crime in that country, and to the peculiarities belonging to the condition of society there. But though the case of Mr. Baker occurred twenty-eight years ago, need I remind you of the recent murder of Mr. Scully, a Roman Catholic gentleman, and the son of the author of "*The History of the Penal Laws.*" This gentleman left his house for a short time for the purpose of fowling. Though an unpopular man in his neighbourhood, he thought, nevertheless, that he might leave home suddenly for the purpose of fowling. He was met and murdered. It is not, therefore, from any desire to interfere with the rights of the Irish, or to invade their liberties, that we propose this measure, but to take precautions against those shocking assassinations which take place in Ireland. This state of society there is connected with remote and complicated causes, but it is such as would make it most culpable on our part to give up any protection which can be afforded to those who do not abandon their duties, and who are entitled to be protected. When I give my consent to a measure of this kind, I do so from my recollection, not of one or two, or ten, cases of persons convicted of crimes like those which I have stated. I feel that it is the duty of the Government to give all the protection which the law can afford to persons whose residence in Ireland is of the greatest public advantage, and who, in some parts of that country are exposed to insecurity and danger, from which this country is happily free.

Mr. Roebuck said, it was not his intention to impute to the Government a design to insult Ireland, or to propose anything with a view to her degradation. The Ministers merely acted according to custom, and had proposed these measures so long, as the means of governing the country, that they became habitual to all parties who governed Ireland. For the last fifty years, an Arms Act had been the law of the country—it was acknowledged by all parties; and the right hon. Gentleman was only taking the same steps as others. The argument used by the right hon. Gentleman was the state of the country. He brought before the House a case of extraordinary atrocity, in order to show that the state of society was totally distinct from the state of England. So far he agreed. But the next proposition of the right hon. Gentleman propounded a difficulty which the right hon. Gentleman left unanswered. The right hon. Gentle-

man had shown that the state of Ireland was different from that of England, and his next proposition was, that to guard against such atrocities they must have an Arms Bill. That was the argument, but it was strongly urged that the act was not necessary for the protection intended. It was properly said, why you had an Arms Bill when these atrocities were committed. He was anxious to declare, that he did not impute blame to the Government for proposing the measure. The noble Lord, the Member for Sunderland had admitted the necessity for such a bill; but it was an extraordinary law, and he would advert to the true principle, which he thought was overlooked by the resolution of the Member for Waterford. The hon. Member said, that this was an unconstitutional measure, and the onus of proving the necessity of such a measure to preserve the peace of the country lay on those who proposed it. The Legislature said, that as this was an extraordinary, it should be only a temporary law. It was an extraordinary law, enacted for a peculiar exigency, and the Legislature, by passing it for a time had rendered it necessary that the party who proposed to renew the law should always be called upon to show distinctly the ground on which it was demanded. The hon. Member for Waterford said, before you re-enact the extraordinary law, prove the existence of the extraordinary circumstances which require it. He asked the House to make the inquiry. He was answered by the noble Lord, the Member for Sunderland, that the bill was necessary, and by the right hon. Gentleman quoting an old story of something which happened in 1815. The right hon. Baronet was not fortunate in his illustration. He would say, that it was of the highest importance that the House should bear in mind the reason why the law was made temporary. A wise man had said that it was continually necessary to bring back the laws to their original principles. This was what they were called on to do for the present law. The Legislature had made this extraordinary law temporary, that the necessity for it, whenever renewed, might be made apparent to the House. He asked the House, whether during the five nights' debate—he asked the House and the country whether any ground had been laid to justify this measure? Suppose the law were now to be passed for the first time—and so he had a right to consider it—



had it been shown that this temporary restriction was necessary? He said, it was not sufficient to justify such a law that it had been in existence fifty years. The onus of proving its necessity remained as strong now, when it was proposed to re-enact it, as when it was first suggested. It was acknowledged, that this was an extraordinary law; why was it? Our country, our Government, and our laws were all founded on free institutions, which meant that certain powers were left in the hands of individuals for their own Government. The Legislature or the Government had conceded that much should be left to public opinion to control and guide individual conduct. That was the distinction between despotic and free Government. In the one, everything was regulated by law, in the other much was left to individuals. England had a free or a liberal Government. One thing admitted here was, that the house of each man and each individual in this country was free from all intrusion, unless some public necessity authorised it; and next all men were permitted to provide for their own safety by their own hands. The bill violated both these established rights. The bill authorised a violation of a man's dwelling, and deprived the population of the arms necessary for their own defence. An extraordinary power was placed in the hands of a Government functionary, though no ground had been laid for such an extraordinary law. The right hon. Member for Clonmel had distinctly proved, that crime, so far as that could be determined by statistical details, had rapidly decreased in Ireland. It was objected to the argument, by the Gentlemen on the other side, that the discussion had wandered away from the Arms Bill, to the grievances of Ireland. His answer to that was, that it was fair and logical to quote them, as the consequences of the principle. He would show why. The proposition was, that this extraordinary measure was necessary to obtain peace in Ireland. He asked, on what grounds the bill was demanded? He was answered by the right hon. Baronet—The state of society in Ireland. He inquired, then, was the state of Ireland such as to demand the extraordinary remedy? Were such extraordinary remedies found to answer the object proposed? Were not these Arms Acts inefficient? and did they not violate liberty without producing security. He was prepared to show, that the state of Ireland did not demand, and was

not improved by these extraordinary remedies. Other remedies might be found more efficient, and the Legislature would not experience any difficulty in finding them. Those who took it on themselves to propose this bill, took on themselves the onus of proving its necessity. The noble Lord, the Secretary for Ireland, who introduced the measure, and the right hon. Gentleman, had said that the state of society of Ireland demanded this extraordinary measure. Suppose the state of society in Ireland to be as bad as described, would an Arms Bill extinguish the evil? He might say, as that state existed with the arms law, *cum hoc propter hoc*. That would be bad logic; but he could say correctly that these things co-existed, and therefore the state of society might be caused by the law. At least the law did not put the evil down. Ought they not to be convinced, after twenty years' experience, that the law was inefficient for its purposes? Every Irishman who had spoken said he knew nothing of the law. One hon. Gentleman said the noble Lord (Lord Eliot) declared incorrectly that the new law was not much altered; the noble Lord said it was only slightly modified; no doubt the noble Lord was right, but the difference showed that the law was not known. It was admitted that the old law was a dead letter. The hon. Member for Westmeath (Mr. Tuitt) had stated that he had attended the assizes and the sessions at Mullingar for many years, and never knew an instance of an application to register a blacksmith's shop. He must say that it was not wonderful that Irish Gentlemen should haggle with the noble Lord as to the state of the law, when such was the evidence of a Gentleman who had lived a long life in Ireland. The present bill was not like the law which before existed. [Lord Eliot was understood to say that the principal parts of the old act were re-enacted, and that some parts which varied from it were given up.] He wished the noble Lord would only do that to the whole bill. Now, let them look at the state of society in Ireland, which it was said justified this extraordinary measure. What was the state of Ireland? The state of Ireland was compounded of two things—political grievances and social difficulties, and something besides the Arms Bill must heal the disorder of the country. The Church of Ireland was one cause of the state of society in Ireland. The landlords

of Ireland were another. It was found in a majority of cases that the atrocities complained of were connected with agrarian disturbances. Ireland had a large population, whose entire existence depended upon the holding of land. There was but little payment of wages to the population, and for a man to be dispossessed of land, was to be deprived of the means of existence, and therefore it was when the possession of land was endangered they were driven to what was called "wild justice," to defend themselves from starvation, by making it dangerous to others to interfere with what was to them the means of existence. He wanted to know how an Arms Bill would mitigate this evil? On the contrary, would it not aggravate, and not mitigate the mischief? He took the noble Lord's most favourite proposal in the measure—the branding of arms. He might suggest to the noble Lord, that suppose he were living in Ireland, and that some ill-disposed man wished it to be believed that the noble Lord had committed murder, the man who desired the noble Lord to be falsely accused, would take his own gun, he would put the brand of the noble Lord upon it. The noble Lord shook his head at this suggestion. The man, however, might put the brand of the noble Lord upon it; and then let it be conceived the horror that would be created throughout the country by such a charge. But then, in the case of the noble Lord it seemed to be impossible that such a project could be successfully acted upon. Ay, but conceive two men living in cabins, adjoining to each other—call them O'Brien and Flanagan—that Flanagan murdered a man named Smith, and put into the haggard of Smith a gun branded with O'Brien's name? Was there not the law of evidence on which that man, the innocent man, might be convicted? How, he asked, was that to be prevented, unless there was some specific and peculiar branding method, which the Government alone could use. Every man could brand the gun of every other man, and that brand would expose every other man to danger, for it would be employed as evidence against him. They were to consider the bill as applicable to the present state of Ireland. He wanted to know how this bill was to be of advantage in its present state. The noble Lord said that this proposition of his would be useful as a matter of evidence. That it was proposed for the purposes of evidence. He showed, on the other hand,

that if it were to be used as evidence, it would be worse than useless. It would create danger to the innocent man, and none to the guilty; for they could not suppose that a man would be mad enough to go and commit murder, with his own gun, with his own brand upon it. Was there ever anything so puerile, so totally foolish and useless as this. They might brand the arms twenty times, and yet it was not upon the bad or the guilty man the risk would fall, but all they could do would be to endanger the poor and unprotected cottier. For the purposes of detection he said that such a provision would be totally, utterly, entirely useless. And yet this was the grand proposition in the new bill—and this, too, was to be proposed in consequence of the state of Ireland. What was that state? Oh! it was said by the noble Lord and the right hon. Baronet, there was a great desire for personal revenge in Ireland—there was there an unhappy passion for avenging one's wrong, by one's own hand, and they did that by murder. He acknowledged that there was that in some parts of the country; but he thought first and foremost, that it was amazingly exaggerated. Suppose he travelled to the north, and then brought to their notice every instance of violence that came under his cognizance, as proving the desires of every man in England to avenge his own wrongs. Take the counties of Cumberland, Northumberland, Yorkshire, and Lancashire; within three or four months he could produce a detail of crime which would harrow their feelings; he could paint a picture, certainly not with the master-hand of the right hon. Baronet opposite, but he could paint a picture of crime in those districts within the period he had named which would harrow the feelings of all who saw it, and would make them think he was speaking of a lawless population. If the right hon. Baronet would watch the calendar for those counties for a short period, he would find that even in England there was a great desire in all ill-regulated minds to redress their own wrongs by their own hands. For every crime in Ireland which might be pointed out to him he would bring one in England; of course, England being a more wealthy country, and having a better educated population, crime took a less decided, and a less dangerous character than in Ireland; but the multitude of offences in England was so great that there would be no difficulty in matching all committed in



Ireland one for one. The right hon. Baronet (Sir J. Graham) shook his head, but let him watch the state of crime for three or four months in England, and if he then brought in an Arms Bill for England, he would be able to match the assertions as to the present state of crime in Ireland. The Government had instanced two or three cases; but did the House think they were enough to justify such a bill? No; let them calmly inquire what was the difference in the state of society in the two countries. The noble Lord, the Member for Sunderland said, that would not be a proper inquiry; in return, he would ask, why not? Were they afraid of inquiry? It appeared so, for they were challenged to it, and refused. Well, he had proved that the only man who would be in danger under the provisions of the bill was the innocent man—that could not be the intention of the noble Lord or any of his colleagues. Arms bills were first passed in a time of extreme terror, and had been renewed merely from habit; but by pressing it now, they were producing a feeling of hatred towards England—a feeling that a wrong and an injustice were done to a whole people. They were proceeding in regard to Ireland as they had not long ago done in respect of the metropolis—they were making the law incarnate in the constable. Suppose that in England they robbed the law of the amazing power which it had in opinion, and made it depend upon the number of constables that were kept in pay; why, the immediate consequence would be, and from the very fact, that we should become a lawless population. They had done that in Ireland—they had armed the police, and made the whole country as one huge garrison; and yet in spite of all that, they were still saying that life in Ireland was not half so secure as it was in England, where all was left to an un-armed constable. Was there, then, not something wrong, something rotten in the Government which could produce such a state of things? He had no hesitation in saying that the church of Ireland was the cancerous sore from which sprung the disease which went through all the veins of the Government, and carried its foulness through all the putrescent carcass; it was an abomination which maddened the people—maddened they might be by demagogues, who took advantage of real evils to further their own private ends—who seized upon public wrongs and the sensitiveness of the people to work their own private and per-

sonal advantage; it might be that they were led by a cool calculating man—one who well knew and understood the character of the people he was dealing with, and they were misled by such a one, while he, by means of public wrongs, safely worked out his personal purposes. The Roman Catholic priesthood of Ireland felt the full evil of the Church, and they cordially seconded the efforts of the Liberator for they were also working for their own purposes. The priesthood well knew what they were about; they were promised power, and the poor tenant was promised a fixity of tenure; in fact, he was promised the possession of the land of his landlord; with such promises, and considering the state of the people—recollecting that they were almost starving and egged on by the wily artifices to which he had alluded, was it any wonder that they had been roused to the excited state they were now in? Why, the same thing would take place if the population was an Orange, in the place of a Catholic population—if an Orange population were placed in the same circumstances as the population of Ireland now was, the result would be the same. [Colonel Connolly: “Hear.”] Yes, he would tell the hon. and gallant Colonel that, place an Orange population in the same circumstances, and find a clever and unscrupulous man to wield them, and the result would be as it now was. And it was for the happiness of mankind that it should be so. Yes, place the hon. and gallant Gentleman under a Catholic priesthood—compel him to pay titles to a Catholic Church—suppose him compelled to maintain the gorgeous Church of Rome, from which he derived no benefit or consolation, and would not the result be great dissatisfaction on his part? Whether, under such circumstances, the hon. and gallant Gentleman would ever turn out a second O’Connell or not he did not know. They must ameliorate the condition of the people. He was not prepared to say, that he would not interfere with the tenure of land in Ireland; but he must say that he had not yet seen a safe way of meddling with the contracts between landlord and tenant. Still much might be done in order to put a stop to the agitation which had now reached so fearful a height. Let them allay the agitation of the priesthood, and that of the people would soon be suspended. He wanted to know whether it was not possible to purchase them into quietness. He believed with David Hume that:—

"The mischief of a priesthood is very much diminished by depriving them of any interest to be active. Pay them well, and the chances are that they will cease to be mischievous."

He said, let the State pay the priesthood, and they might depend upon it in a very few years Ireland would be no longer the Ireland she now was. If they would have a quiet, peaceful population, pay the priesthood and make them small holders of land, and thereby make them interested in the quietude and welfare of the country. They might have peace if they made the priest's interest peaceful; they were now almost in a state of war, because he was goaded by the sight opposed to his eyes every day, nay, every hour, of a dominant Church of which his people were constantly complaining. Ireland was now in a state bordering upon civil war, and it behoved the Government and the House seriously to seek for some way of preventing its breaking out. The right hon. Baronet (Sir R. Peel) had been dragged into a most unfortunate blunder—he had begun a contest with the Roman Catholic and Liberal gentry of Ireland, for discussing a matter which they had as much right to discuss, as he had to address the House, they were insulted and deprived of any honour which had been conferred upon them. He spoke out plainly; he said, in the face of the House, and of the country, that he desired to see the downfall of the Irish Church. Was that treason? Was that any reason why he should be deprived of any honour or right which he enjoyed? Then, he would ask, what right had they to interfere with those, who in peaceful guise—yes, he repeated it, who in a peaceful way, sought to obtain the repeal of an act of the Legislature? The Government had not said, that magistrates attending meetings which were dangerous should be dismissed. No; they went another way to work, and threatened all who attended repeal meetings of any sort: according to the rule laid down, if a man attended at a dinner party of ten, should a certain toast be given, and a reporter be present, he must be instantly dismissed from an honourable post conferred upon him, not for the gratification of his own vanity, but for the purpose of securing good government and peace. He contended, that no magistrate ought to be dismissed who had not made himself amenable to the law. The Government had acted illegally; most certainly, unjustly and illegally, if law was

anything like what it ought to be. He lamented, for the peace of Ireland, nay, for the peace of the world, that such an unfortunate step had been taken. He did not believe, that the right hon. Baronet (Sir R. Peel) approved in his heart of the course which had been taken, and in which he was forced to acquiesce, a course, the consequences of which it was impossible for any one to foresee. The Government had lighted a spark which, if it did not turn into a blaze, still could never be extinguished. Was not that an unhappy state for that country to be in? A great blunder had been committed. He did not charge the Ministers with doing an intentional wrong; but was not Ireland on the point of a civil war? Was not that the impression of her Majesty's Government? If it were not, he would ask why did they send soldiers to that country, and war steamers too? Were not these significant hints? The language of the members of the Government might be cold—might indicate no apprehensions of the final result of the state of Ireland, but their acts showed their fear. He entreated them, if they wished to preserve the peace of Ireland, to adopt a different policy towards that country. The course which had been pursued by a certain legal functionary in Ireland, proved that it was possible for an astute lawyer to be a bad statesman. He considered, that in the present circumstances of Ireland, this bill was most ill-timed, and it was his determination to oppose to the utmost so mischievous a measure.

Sir James Graham: Sir, without wishing to detract from the admiration which the speech of the hon. and learned Member may probably excite, or without desiring to say anything which that hon. Gentleman might consider personally offensive, I must be permitted to observe, that the address of the hon. and learned Member for Bath this evening fully establishes the truth of the observation which he applied to another learned individual, viz., that it is possible for a man to be an astute lawyer and a very bad statesman. I should be ashamed, after having addressed the House at large on this subject on a former occasion, if I were to delay them long from the division at which I hope they will arrive this evening. I see signs of dissent on the opposite side of the House, but until I shall see hon. Gentlemen persevere in the



intention to prolong the debate, I cannot believe that they will persist in forcing an adjournment. The hon. Member for Bath has informed the House what is his opinion of the present state of Ireland. He has represented that country to be in a state of extreme peril—that a single spark might kindle the conflagration—that the danger is imminent. The hon. and learned Member dwelt much upon this topic, and then informed the House that there were only two remedies for the disease. He stated that the people of Ireland are engaged in a struggle for a subdivision of the land—for the establishment of an agrarian law; that the Catholic priesthood are also struggling for the property of the soil as well as ecclesiastical power. The hon. and learned Member said, that for this condition of things two remedies only are applicable:—1st., some enactment limiting the rights of property; 2nd., the immediate overthrow of the Protestant Establishment. The points referred to by the hon. and learned Member have, I am aware, been made the subject of spirit-stirring addresses to large multitudes of the people of Ireland. It is not my intention to go into the question of the legality of those meetings. The hon. Member for Cork has himself admitted, that the question of the numbers attending these large meetings for Repeal is an important point, with other circumstances, to be taken into consideration when deciding upon their legality. What is the state of Ireland? Large bodies of men are marched in array, subdivided, and headed in regular order, with bands of music, playing martial airs, and with all the pomp and circumstance of martial order. The multitudes thus assembled, are addressed in the most exciting language, upon topics which inflame to madness, whether addressed to the priesthood or to the people. The speakers who indulge in these irritating harangues, say, as the hon. and learned Gentleman has said to-night, that there are two great subjects for redress. Upon one of these points, the hon. and learned Gentleman said he has doubts; he has no doubt upon the other, and in this the hon. Member for Sheffield, who spoke last night, concurs with him, namely, that, in order to maintain the peace of Ireland it is necessary to consent to the overthrow of the Protestant Church. The Protestant Church must be annihilated before peace can be purchased. That is the

opinion of the hon. and learned Member for Bath. The hon. and learned Member would defer the consideration of the bill before the House; but I think that it is the duty of hon. Members to decide instantly upon so important a question. If such be the state of Ireland—if the circumstances of that country are such as have been described—I put it to hon. Members as men of common sense, whether it would be exercising ordinary prudence to defer the enactment of a measure which is so indispensably necessary? The bill before the House is not now introduced for the first time, but is the re-enactment of a measure which will expire in the period of six weeks—a measure which has been in force in Ireland for fifty years—a measure which originated in an Irish Parliament—a measure which different successive administrations have considered necessary without any reference to the political sentiments of the Members who formed a part of those Governments. For fifty years, I repeat, the condition of Ireland has rendered an Arms Bill indispensable. As to the mode in which the hon. and learned Member for Bath proposed to provide for the pacification of Ireland, viz., by the overthrow of the Protestant Church in that country and the transference of its property to the Roman Catholic priesthood, I am not prepared to consent to have these questions considered in a committee up stairs. Can the House hesitate for a moment in deciding what course to pursue? Are we justified in withholding from the loyal subjects of Ireland a measure which has been indispensable in that country for the last fifty years? Much reference has been made to the speech of the right hon. Member for Clonmel, with respect to the relative state of crime at different periods in Ireland. Now it is not without regret that I allude to this point, but in the discharge of my public duty I feel myself bound to call attention to the proportion, in Ireland, of crime immediately connected with the use of fire arms, as contrasted with crime of a similar description in this country. The right hon. Gentleman the Member for Clonmel instituted a comparison between the state of crime in the years 1828 and 1838. The right hon. Gentleman compared the state of crime in these two years respectively, and then proceeded to make the same comparison between 1841 and 1837. I will read to the House

returns relating to eleven classes of crime, all partaking of the character of offences of personal violence. The first is that of murder—and after this, those of firing and stabbing with intent to murder; assaulting with intent to murder; conspiracy with intent to murder; manslaughter; robbery of arms; attacking and taking forcible possession; assembling in arms; administering unlawful oaths; and attacking or refusing to assist police-officers. In the first place, the convictions for these eleven classes of crime, I will extend from 1838 to the present time, and show, by comparison, the state of society in Ireland and England. [Lord Clements: “Where are the statements respecting these crimes in England, taken from.”] From accounts furnished to the Home Office every half-year. In instituting this comparison between the amount of crime in Ireland and in England, let the House bear in mind that the population of the latter country is nearly double that of the former; and let the House further bear in mind that circumstance, which forms so important a distinctive feature in the social state of Ireland—that the proportion of convictions to committals, which in England is 75 per cent., in Ireland is only 50 per cent. The population in England is double; the proportion of convictions to committals is one third more in England than in Ireland. I will now read the contrasted accounts of crime in the two countries. The number of convictions under the eleven heads I have named is as follows:—

	England.	Ireland.
1838 . . . .	264	689
1839 . . . .	242	945
1840 . . . .	248	931
1841 . . . .	286	939
1842 . . . .	238	1,141

So much, then, for the relative proportion of serious crime in the two countries. If I were to take cases of murder only in the last five years, the number of convictions in England has been eighty-five; in Ireland, with only half the population, ninety-one. But it is said, then, that crime has not decreased in Ireland under Arms Bills. That is not really the question at issue, which is simply whether in the present state of Ireland—looking at the condition of society—her situation as to crime—whether it would be possible for a deliberative assembly in such a juncture of affairs—whether it be conceivable that

men of ordinary prudence could dispense with a measure of precaution which has been for fifty years employed, and up to the present time has been admitted to be absolutely necessary? [Sir W. Barron: The number of murders in England in 1842?] I can tell the hon. Gentleman; 106. [Sir W. Barron: Committals?] The number of committals was 133. [Sir W. Barron: I have it 258.] I have stated the numbers as they appear on the returns, which I can inform the House have been prepared carefully from the most authentic sources. I beg to state, as the general result, that the number of convictions for serious crimes, of the description I have mentioned, has increased in Ireland in five years (from 1838), from 689 to 1,141. The amount of crime stained with a character of violence, in that country has doubled nearly in five years. And here I must be allowed to ask, how is it that the hon. Gentleman who has moved the amendment, and, above all, how the right hon. and learned Member for Clonmel, is so anxious to institute inquiry into the state of Irish society and Irish crime, in a select committee “up stairs,” when, in 1838, while their party was in power, and Lord Morpeth Chief Secretary, a bill was laid upon the Table more stringent in its nature, even, than that now before the House, and passed a second reading without opposition, and almost without notice? And in 1840, the right hon. and learned Gentleman himself actually introduced a bill continuing the Irish Arms Act—he who now hesitates so much about the necessity for such a bill—hesitates, I say, for the hon. and learned Gentleman, with his official experience, is not prepared to affirm, that an Arms Bill is not necessary for Ireland. Never was so specious a speech constructed on such scanty materials as that which the right hon. and learned Gentleman delivered last night. It had but two points; one being that crime in Ireland had decreased since 1827, a matter of fact which I doubt; the other, the inexpediency of a clause about giving a right of search on the warrant of one instead of two magistrates (though as to the constabulary visits, a similar power had in previous bills been given); whereas all these are really points of detail which do not at all affect the principle of the measure, and can be disposed of, not above stairs, but by the wisdom of the



House, perfectly willing and ready as the Government are to enter into a full, a free, and fair discussion. The question which the House has now to determine is, shall we go into committee on this Arms Bill for Ireland, or shall we acquiesce in an amendment to refer it to a select committee up stairs, professedly, as is admitted by the hon. Mover himself, in order to consume time and allow this law to lapse. I must admit that much higher grounds have been taken by the hon. and learned Member for Bath, to-night, and the hon. Member for Sheffield, who spoke last night, and I think that the sooner the great question mooted by them is fairly raised, the better for the people of Ireland, and for this country, also, as tending to determine the position which we are to hold with regard to Ireland. The conduct of the hon. Member for Sheffield on this subject, has all along been perfectly consistent. The hon. Member referred in his speech, to the period when he himself raised the question of the Church of Ireland in this House. The hon. Member raised this question in 1834, and I beg the House to consider what at that time had already been done for the sake of conciliation with regard to Ireland. In 1829, we passed the Catholic Emancipation Act; in 1831, the Reform Act; in 1833, the Church Temporalities Act, by which a large diminution was made in the hierarchy of the Church; we then passed the Tithe Commutation Act, by which the amount of tithes was diminished about 25 per cent.; after this, the education plan was adopted for Ireland. These were large measures of concession and conciliation, which are now declared to be unavailing, as long as the Protestant Church exists in Ireland. This is the proposition for which those who address those multitudinous meetings which I have already alluded to, contend; and which is now again mooted in this House yet the hon. and learned Member for Bath, and the hon. Member for Sheffield. When the hon. Member for Sheffield brought forward his proposition in 1834, I and my noble Friend (Lord Stanley), at that time in the councils of her Majesty, feeling that it was impossible for us to make such a concession, or anything approaching to such a concession, and having thus the misfortune utterly to differ from our then Colleagues, relieved the Cabinet of any obstruction which our presence might

have created, and withdrew from the Administration. A limited acquiescence in the principle propounded by the hon. Gentleman was obtained from the noble Lord (Lord J. Russell) and those of his Colleagues who remained in office; but Parliament had been found so resolved to resist the proposition—the House of Commons had remained so true to the articles of the Union—the House had been so staunch in its determination to uphold the Protestant Church in Ireland, that, notwithstanding the secession of myself and my noble Colleague from the councils of his late Majesty, those who had remained in office, found it expedient to yield to the sense of Parliament, and were driven by an overwhelming necessity to withdraw the proposition. It is now sought again to raise it, to raise it under circumstances allowed by the hon. and learned Member for Bath, to be of great danger and urgency. It is impossible that questions like these can be mooted in Ireland without exciting dangerous hopes and perilous fears. The British House of Commons is the proper place for their discussion. If those views are entertained seriously by a large portion of the House, by any Members of weight or authority, let them be brought forward in the shape of substantive propositions. Let them not be discussed incidentally upon an Arms Bill. They are far too great, far too mighty, far too important, imperial in their character. If the noble Lord, the Leader of the Opposition party, possessed of great influence in the state—if the noble Lord, in a great emergency of public affairs, does really believe, that some propositions of this kind are absolutely necessary for the salvation of Ireland, let them be brought forward distinctly and fairly. If the noble Lord thinks the pressure of the Irish church too great, if he thinks that church should be reduced let the question be raised, and let it be debated and decided as it deserves. If the destruction of the Irish church, and the transfer of its property to the Romish priesthood, are to be discussed—if the question even of a fixity of tenure is to be mooted, let these subjects be discussed as distinct and substantive propositions but it is unworthy of this House—it is unworthy of the Legislature—unworthy, I will not say, of statesmen, but even of men of ordinary public virtue or common sense—in a moment of great public

danger, thus to tamper with questions of this magnitude. I am ready to debate them whenever they are brought forward; I will not debate them now. On a former occasion there was quoted a passage from a most sagacious speech of the most sagacious statesman of his day (a speech bearing in some parts almost the character of prophecy)—a speech pronounced in this House, in 1817, by my right hon. Friend at the head of her Majesty's Government. I always steadily advocated concession to my Roman Catholic fellow subjects. I supported their claims under a deep conviction that the prophetic warning of my right hon. Friend was not well founded. I believed the assertions made by their nobility and gentry—I believed the solemn oaths of their prelates, given before a solemn tribunal and on a solemn occasion. I believed their recorded statements, statements made in the most impressive manner, that if equal rights, as citizens, were given to them they would rest satisfied with the terms of the Union, and the Protestant church would be safe. My right hon. Friend notwithstanding all these asseverations, arguing from general principles, expressed some doubt whether these persons, honest at the time, and not intending to deceive others, but deceiving themselves, would, under altered circumstances, be able to act in conformity with those assurances. I, however, at the time, did not share the doubts of my right hon. Friend, and here, perhaps, the House will permit me to read the words of a distinguished statesman, who also disregarded the prophetic warnings of my right hon. Friend. Mr. Canning said:—

“For my own part, if I thought that we could not move one step in concession without danger to our civil and ecclesiastical establishments, my part is taken. I would stand at all hazard and at all inconvenience where we are. I would not ask the security of those establishments for any theoretical hope of improvement. But as in my conscience I believe there is no such risk likely to be incurred—that ample securities may be taken, not only against real, but even against imaginary danger, I am not deterred from examining patiently the practical remedies to be applied to a state of things allowed on all hands to be inconsistent and anomalous, and capable, as I believe, of being amended not only without risk, but with advantage and with increased security to the Establishment.”

It was upon these principles, that I supported Catholic emancipation. And

in what circumstances is the country now placed? Catholic emancipation has been agreed to, and conciliation has been carried to its utmost limits in Ireland. [*Expressions of dissent from the Opposition benches.*] That is disputed. I am glad that issue has been joined on that question; I rejoice at it, and I hope the House will permit me—not in a tone of party triumph, but of sincerity and truth—to say that I am glad, very glad, to arrive at a distinct understanding on this point. If the noble Lord opposite or the hon. Gentlemen who surround him can point out any one measure of conciliation which would not raise the two questions—of total and immediate overthrow of the Church establishment in Ireland, and fixity of tenure in respect to the land—if they can point out any measure which has not the destruction of the Irish Church as its object, or an agrarian subdivision of the soil trenching upon the property of the country, both of which, especially the former, Parliament is distinctly bound by the Act of Union between Ireland and this country to defend, it will be their duty to propose it, and I venture to promise, that it shall receive every attention on the part of the Government. It is for that reason that I say I am rejoiced that issue has been joined on the subject. It is urged that the late Government had more conciliatory measures in reserve; but what could they be? Already a perfect equality as citizens has been conceded to the Roman Catholics—they have Parliamentary Reform in Ireland the same as in England—there has been a great reduction of the Protestant hierarchy in that country—the burthen of tithes has been transferred from the tenants to the landlord—they have a system of national education, and municipal reform has been granted. [*Cheers.*] The noble Lord cheers; but what was the peculiar character of the old corporations? It should be borne in mind that they were of a most close and exclusive character; that they were established for the purpose of securing Protestant ascendancy; and that their effect was, to give one party a complete power over the other. Now, however, these bodies are not only thrown open to the public at large, but the Catholics are absolutely in the enjoyment of the chief advantages arising from the change. Then with respect to persons, Roman Catholics have been admitted into



the Privy Council of her Majesty, and in this House, lawyers of distinction from Ireland, of the Catholic faith, have taken their place as the legal advisers of the Crown. Then, again, the noble Lord admitted that he had offered Mr. O'Connell not the Chief Baronship of the Exchequer, as that hon. and learned Gentleman asserted himself, but an office second only to that of the Lord Chancellor of Ireland in station and responsibility namely, the Master of the Rolls. I say, therefore, that unless the House is prepared to adopt the principle of fixity of tenure, or agree with the hon. Member for Sheffield and the hon. Member for Bath, that the Protestant establishment must be overthrown—unless the House is prepared to accede to schemes so dangerous as these—I do not see what measures of further conciliation can be proposed. In the meantime, a power which experience has justified, cannot be parted with, and I do say, that in the present state of Ireland, legislative precautions are indispensable; not to take them, I am satisfied, would be little less than madness.

Lord J. Russell: I had hoped, Sir, that it would have been only necessary for me to say a few words to justify the course which I shall take on the important question under consideration. The noble Lord the chief secretary for Ireland purposes to go into committee on an Arms Bill, which he has introduced; my hon. Friend the Member for Waterford desires that that bill should be referred to a select committee, to inquire whether, with respect to the particular privilege of bearing arms, it is necessary to continue the restrictions at present in force. Such, I conceive, are the questions for our consideration; and I should have been satisfied with saying a few words only upon the subject, had not the right hon. Gentleman—following other Members, I admit, but, as I think, very unnecessarily following them—raised a question as to the whole state of Ireland, and entered upon a discussion regarding measures brought forward in former years and respecting the present policy of the Government as it now stands. Into that question I am now obliged to enter; but before I do so let me say a word as to the grounds on which I shall give my vote. The noble Lord proposes—first, certain restrictions regarding the power of having and keeping arms in Ireland; and, secondly, restrictions regard-

ing the introduction of gunpowder into Ireland. Formerly these two subjects were, I believe, treated separately, and they certainly are distinct from each other. The one affects outrages which take place in the interior, and has reference to quarrels between the inhabitants of the same district arising from disputes regarding the possession of land, or having an origin in private revenge, or those faction fights which have too long been the misfortune of Ireland. The second object of the bill is an enactment originally introduced in time of war, and seems specially to have in view the danger which may arise in case a disposition for insurrection should evince itself amongst any part of the population, and in case any attempt should be made to procure arms and ammunition from abroad for the purpose of carrying that insurrection into effect. Now, I find, as the noble Lord has truly stated, that precautions on this subject, very slightly varying in their stringency, have been continued from time to time for a period of fifty years. With regard to the first object, in 1838, I being then in connexion with the Government, inquiries were made as to whether the power could not safely be abandoned, and whether for all useful purposes a mere registration of arms would not be sufficient. The result of those inquiries was to convince the Government of Ireland, and to convince me likewise, that the effect of such a measure would most probably be to increase outrage, to increase faction fights, and to throw difficulties in the way of the police, who were seeking either to repress offences, or to bring offenders to punishment. With regard to the state of Ireland in 1838 and at the present time, I see no reason why we should now refuse that power which we thought necessary in 1838. With respect to the other power, it certainly could have been better parted with in 1838 than in 1841. We may believe that there is no present danger of outbreak in Ireland, but certainly I do not think that this is the moment for giving increased facilities for the introduction of arms. So far, therefore, as I am called on as a Member of Parliament, I am ready to go into committee to consider a bill for these purposes. I will not now enter into the details of such a bill, but I may say in passing that I agree with the argument used by my hon. Friend the Member for Clon-

mel last night, that power recommended in 1810 by Mr. Wellesley Pole, to be abandoned, is not a power which need now be continued. The power of entering into houses by night may be exercised most oppressively and with much infraction of the liberty of the subject. Respecting the branding of arms, too, I think that is a measure more of odium and offence than of real security; and I cannot but think that the argument of the Member for Bath respecting the stealing of these arms or the forgery of the brands is a most forcible argument upon this part of the question. But, Sir, as I said before, I will not enter into the details of the bill, but will rather come at once to the consideration of the larger question which the right hon. Baronet has raised. The right hon. Baronet, I admit, only followed others; the Members for Sheffield and Bath, no doubt, gave their opinions on the state of Ireland; but still I must say, that the right hon. Baronet, unless he had more attentively considered the subject—unless he had taken into his view the whole state of Ireland, and had come down here prepared to say what his measures should be, and what he was ready and willing to assent to—unless, I say, he had been prepared to do this, I do think he had better not have made the speech which he has just delivered. Sir, the impression that speech has left upon my mind is this—that the right hon. Baronet has made it a charge against the Roman Catholics of Ireland that they have not been sufficiently grateful for past concessions, and that they, and others on behalf of the people of Ireland, ask still for concessions when all has been done for them which it is possible for the Legislature to accomplish. Such is the sense which I attribute to the right hon. Baronet's observations. They are most important falling from a Member of the Cabinet; they are still more important coming from the Secretary of State for the Home Department; and they cannot fail to make a deep impression in Ireland. Sir, I thought that as a Member of Parliament I might be permitted to make some suggestions as to the government of Ireland, but I was told by several of my friends that such was their view of the present state of Ireland, that a discussion in this place would most probably only tend to inflame mutual animosities. On that ground I was willing to be silent, but the right hon.

Gentleman the Secretary of State has challenged me to give my opinion, and to state my views upon this subject; and though that statement will be rather a suggestion of difficulties and of what it is most important for a Government to consider, than any proposition of measures on my part, still, thus challenged, I feel that I cannot withhold it from the House. Let me first, however allude to that which I have seen, and which I have been told fell from the right hon. Gentleman with respect to a Government of Ireland long since past, that which the noble Lord the Secretary for Ireland likewise alluded to, as having proposed an Arms Bill for Ireland—I allude to the Government of Ireland in 1806. Nearly related as I am to the Lord-lieutenant of that period, I cannot think that the measures of that period were of a similar character to those of the present day. There were other measures under consideration at that time. Mr. Ponsonby the Chancellor, Mr. Elliot the Secretary, and Mr. Grattan, who did not hold office, by the advice of the Lord-lieutenant of that day, transmitted to England a plan for the commutation of tithes, which, under the Governments that succeeded, was not taken into consideration for about twenty years afterwards; but which, if it had been adopted, would have prevented much of that ill blood which has since been produced. There was also a plan for the improvement of education in Ireland, and which did afterwards render effective service to the causes of education. Such were some of the measures in the contemplation of that Government, while, at the same time, they thought it necessary to continue the Arms Bill; and what I complain of in the present Government is, that while citing the authority of the Government of 1806 or of 1835 for their present measures, they completely shut their ears to everything that is conciliatory and likely to tend to the permanent welfare of the people, and they look only to the temporary restriction of the means of offence against the laws. Is it true, or is it not, that there are grievances to be redressed in Ireland, to which a Government having what this Government has in greater proportion, and far more, indeed, than the late Government had, the means of carrying their legislation into effect, might well look as affording the opportunity for a permanent improvement of Ire-



land? There is first the question of the Parliamentary and municipal franchise. Those who are endeavouring to excite the people of Ireland tell them, with regard to the right of voting for Members of Parliament and mayors in those towns having municipal corporations, that the franchise of the people is greatly and unduly restricted as compared with the franchise in England and Scotland. If that is not so, prove to them if you can, that there is no truth in that representation. The noble Lord (Lord Stanley) if I understand him, seems to say, "We were those who agreed to that franchise." But with respect to that municipal franchise, year after year we contended for making it similar to the franchise of England. We proposed that we should endeavour to reform the municipal corporations of Ireland on the same principle as those of England had been reformed. I did not expect any opposition to that general proposition; but on the first night of the Session, on the address to the Crown, an amendment was offered, stating, in effect, that the same principle could not be applied to Ireland; and for three or four years that opposition was persisted in, till at length we thought it better to take even a restricted franchise than lose that measure altogether. Now, when the people of Ireland ask you for the franchise, I do say that it is a legitimate ground of complaint, both as regards their parliamentary franchise, with respect to which I will say one word presently, and with regard to their municipal franchise, that they are not placed on terms of equality with the people of this country. Am I to understand the right hon. Gentlemen that there is to be no advance in this respect? I think not; because I beg to call the attention of the House to their conduct in office and out of office. The noble Lord the present Secretary for the Colonies brought in a bill to remedy that which he said was an evil which required urgent means of correction, and he proposed to purify the registration of Parliamentary voters in Ireland. We said, in the first place, that it was incumbent upon us, before that subject was considered, to go on with the amelioration of the Poor-laws in England. That proposition was denied, and the noble Lord succeeded in having the Irish Registration Bill taken previously. Then my hon. Friend the Member for Halifax said, "Yes, but if you are to consider the

registration you had better consider the English registration," and there was a division, which decided that the Irish registration should be taken in preference to the English. The House having so decided, we said, "If you are to consider the Irish registration, and if you are to have laws resembling those of England, and the Irish franchise is not sufficiently extensive, we will propose a bill to extend it." But those on the other side replied, "Let us now establish a new registration only for Ireland, and in some future year, if we find the numbers of the electors greatly reduced we will introduce another measure." But their conduct in office has been very different. In the first place they contended that the English Poor Law Bill, last year, should be taken previously to any registration measures. Then with regard to England, the measure applying to it was to be taken before the measures applying to Ireland; and thirdly, having decided these two points, upon the question being asked with regard to the Irish registration, the answer was that they could not introduce a proper measure for Ireland without making an alteration in the franchise. Therefore, in one respect at least, they have improved on their doctrine since they came into office as regards Ireland. But I should have supposed that if they thought it necessary to decide upon this course they would have proceeded with the amended Poor Law Bill, with respect to which they had gone half through committee, and then that they should have introduced a bill for largely extending the elective franchise in Ireland. In that case they would have given some proof that they were prepared to improve the franchise; and if such a measure had been introduced before the Arms Bill, it would have shown that the Government had something like a proper regard for the welfare of the people of Ireland. But the Irish Poor-law bill was put off for the sake of the Arms Bill; and it is doubtful now, whether there will be an opportunity this Session to go on with it. There is a great complaint made upon the subject of tenancy in Ireland, and a most captivating phrase has been put forward by the learned Member for Cork, who is now agitating the whole of Ireland upon the subject under the name of "fixity of tenure," which, as it has been most truly said, will greatly tend to induce the peasantry of Ireland to think that the Repeal of the Union, if otherwise would be



of no benefit at all, will be attended with material advantages to them. Upon that subject I agree with the hon. and learned Member for Bath, that it is most difficult to suggest or advise any improvement. But at the same time I do not think with the Government that on the present occasion, considering the whole state of Ireland, that there are circumstances which require most deliberate attention. Look at what Mr. O'Connell calls the midnight legislation. Then there is the case of tenants being suddenly turned out, contrary to all justice and all the principles of charity and kindness, by their landlords into the waste without sustenance and habitation, and deep schemes of revenge and murder and destruction of houses and property are resolved upon. Take another instance, of tenants neglecting for some years to pay their rent, and going about the country disturbing it, or becoming a nuisance to the neighbourhood where they remain. The landlord says, these are tenants who should no longer occupy my land; and he is perfectly right. But this irregular and midnight legislation which has existed for so many years takes no account of justice or injustice, and the tenant who follows that worthless and good-for-nothing intruder upon the soil, an excellent hand perhaps, applying himself to the business of the cultivation and improvement of the land, is exposed to outrage and murder from those who occupied that soil before him. This is a great evil, and no one can doubt that it is one which deserves the greatest attention from the Legislature, and if anything could be devised to lessen that evil, no one thing would more imperatively demand attention. Another subject has been touched upon by my hon. Friend the Member for Sheffield, and likewise by the hon. and learned Member for Bath; and the right hon. Gentleman, the Secretary of State for the Home Department, in defiance, asks me to bring forward that subject for the consideration of the House, namely—the Church. He asks me, in effect, whether I am prepared to make a motion for the destruction of the Church? When I say I am not prepared to make such a motion, it does not imply in my opinion, or in the opinion of any man of sense and observation, that the present ecclesiastical state of Ireland is conformable to reason, or that it at all resembles the state of any other country. You

have in Ireland millions of Roman Catholics, and hundreds of thousands of Presbyterians, and solely for your Church Establishment is episcopalians numbering, say 1,000,000 members, forming a small majority as compared with the rest of the inhabitants. Some persons may say, there would be an immediate remedy in the destruction of the establishment of that country. I should say at once, if you destroy your Church Establishment there, considering the manner in which opinions upon Church Establishments waver in this country, and considering, likewise, the present state of the Church of Scotland, you would endanger the Church Establishments of the three kingdoms. It appears to me that the destruction of the establishments in Ireland must have that effect. It has been said over and over again by those who excite the people of Ireland upon this subject, "Look at England, look at Scotland: the people of England have a Church Establishment of the majority; the people of Scotland have a Church Establishment of the majority; but the people of Ireland have a Church Establishment of the minority." It follows, that if you were to make the establishment in Ireland analogous to that in Scotland, the consequence would be not merely the destruction of the episcopacy of the Church Establishment in Ireland, and the substitution for it of the voluntary principle, but the establishment of Roman Catholicism as the established religion in Ireland. Sir, it appears to me that the plan which we brought forward many years ago—to which the right hon. Gentleman has alluded—that plan for the partial application of some of the revenues of the Protestant Church Establishment in Ireland to the general education of the community, was a plan which, if accepted then, would have tended greatly towards peace, and that being accepted generally by the people of Ireland the Church Establishment there might have remained unmolested; but that plan having been rejected by those who sit opposite and by the majority of the House of Lords, who said that the plan could not be agreed to without shaking the Church Establishment—I am not arguing whether they were in the right, or we were in the right, but merely stating the result—it could not now have the effect which it would have had then, supposing that we had been able to carry it. What, let me ask, what

can you do now? Your course is encompassed with difficulties; but my course would be not so much to depress the Established Church in Ireland as to endeavour to raise that of the Roman Catholics. I do not believe that the Roman Catholics would now accept of a provision from the State. That was a wise plan when it was first brought forward in former days, and if it had been made an accompaniment of Roman Catholic Emancipation it would have had the most beneficial effects. You cannot expect them now to accept it. But the clergy of the Roman Catholic religion in Ireland are the clergy of the great majority of the people of that country. The bishops of that Church are the bishops of the people of Ireland. I think that everything in respect to the foundations of their colleges, everything in respect to the dignity of their offices, every thing that can render their situation in their parishes comfortable, are not on such a scale and in such a condition, I say, in spite of all prejudices that may exist to the contrary, are not on such a scale as a wise Government would like to see. I am aware of the prejudices that prevail on this subject; and that if we had proposed any such plan when we were in office (though I did hint that I thought some such plan advisable), I well know, I say, that the proposition of any such plan would have raised a fresh storm of party invective against us. Whether, however, I am right or wrong with respect to that point, you cannot say that the present state of the ecclesiastical establishment in Ireland is such as can permanently last, if you mean to organise Ireland in such a manner as to secure permanent content. My opinion is, that the state of Ireland has never been organized from the time when the fiction of the law was that no Roman Catholics existed there — when Protestants were only considered by the law, and Roman Catholics as a part of the state were not taken cognizance of by the law. A great deal of your present institutions in that country is conformable to that notion. You have admitted the political and civil rights of the Irish. You ought to organise the whole of Ireland conformably to the new state of the law and the new theory which, by your Emancipation Act, you have recognised. You ought to take all these things into your consideration most seriously and gravely, with a view to conciliation, and without

prejudice. Sir, I should say, likewise that you ought to have an executive in Ireland, which should be disposed altogether to feel for, and with the people of that country. The noble Lord, the Secretary for Ireland, says that he cannot accept any compliment from me at all at the expense of the Government of Ireland. If that be the case, I am only obliged to say—and I am sorry to be obliged to say it—that I do not think the Government of Ireland performs its functions in a manner to entitle it to the confidence of the people. Whether I look to their promotions generally, to the persons whom they have chosen to place on the bench of bishops, filling the sees of Dr. Sanden and Dr. Dickenson, men who were anxious for the benefit of the whole people —when I see chosen to fill their places men who are bigoted against the system of national education which the Government itself promotes, or whether I look to the deprivations that have recently taken place—deprivations that have been made in so hasty and ill-considered a manner—or whether I turn to their vacillating course with regard to the present state of Ireland, their want of firmness against that which ought to be resisted, and their want of conciliation in that which should be granted; whichever way I look at their proceedings, I must say that a Government of Ireland is wanting to Ireland—that the Government of Ireland is wanting in the true character which ought to attach to a Government of Ireland in the difficult circumstances in which they are now placed; and I must here again refer to those words on a former occasion I read from Burke:—

“That whatever your laws may be, whatever changes you may make in the laws, much depends on the spirit and the manner in which they are administered.”

But above all, I say as to the declaration of the right hon. Baronet, the Home Secretary, to-night, that if you mean to declare that the Roman Catholics of Ireland are ungrateful because your concessions have not filled up the full measure of their desires, you have as little reason for your assertion as if having put a man in a dungeon where there was no light or air, you should charge him as being ungrateful because he still complained after having been removed from his dark cell to a light apartment, but where he still was immured in solitary confinement. Though you may



have done much—and no doubt you have done a great deal—although you may have made many concessions—you have done so because the debt is large; that when there was so much to be done, when the Roman Catholic subjects of the Sovereign—zealous loyal subjects of the Sovereign—were debarred from their civil rights and from an equality of privileges with their Protestant fellow-citizens, the granting of some of these civil rights by no means implied that more should not be done; and that, although you were quite right in granting them, and deserved thanks for so doing, yet that there still remains much to be done to establish the people of Ireland in the same condition as to their freedom and privileges as that of the people of England. And if you mean to say further, that you are determined to oppose any proposition that can be made—if, when knowing that I, or any other person, may be going to bring forward a motion of conciliation, it shall be enough for you to know that you have a majority of 100 or 150, that you shall look on it as a great day of party triumph, and throw up your caps for joy at your great majority; if I say, you think that you will have performed your duties because you can rely on such a majority, and if you mean to tell the people of Ireland that first you have a majority in the House, and if that should not be enough for your purpose, then that you will proceed to raise all those prejudices in the country which in former times have been raised with such unfortunate success; then, I say, you will but be imitating that bad example against which I am as ready as any man to exclaim—the example of him who talks about the Saxons and the Celts, and endeavours to raise up feelings of embittered resentment by proclaiming an organic and natural difference between the people of England and the people of Ireland. And, whether I look at Dr. McHale's proclamation to his flock to be discontented, or to Mr. O'Connell's speeches to inflame that discontent, I find the origin of both in the words which did fall, and which, notwithstanding all explanations, must be admitted to have fallen from him who at that time was almost the leading person in the then majority of the House of Lords, and who now holds the situation of Lord High Chancellor of England. I do trust that you will think better of the duties of your

high station, that the right hon. Gentleman at the head of the Government of this country, who I must say, shows no disposition to yield to the extreme views of those who are urging him on to measures of coercion, I do trust that he and the Government of the country generally will not act in the spirit of that Lord High Chancellor, nor in the spirit of that Home Secretary of State, but that they will consider that if it be necessary to introduce an Arms Bill—if it be necessary to endeavour to preserve peace in every part of the United Kingdom, it is likewise their duty to the Queen whom they serve, to preserve to her that which she had long held at the commencement of her reign—the affections of the devoted and loyal people of Ireland.

*Lord Stanley*: I had hoped, Sir, that I should have been spared the painful necessity of taking any part in the discussion of a matter with which officially and individually I am in no way connected, and in which possibly, from former recollections, my personal interposition might have introduced a tone of bitterness which I am happy to say, so long as we confined ourselves to the measure itself, has been peculiarly remote from the discussion, and for that reason I determined to take no part in the debate; nor should I have done so but for the speech which has just been delivered, not upon the subject-matter under discussion, but on the subject of the general state of Ireland, and but for the invectives—not the arguments which have been directed by the noble Lord opposite against her Majesty's present Government, and against the course which they have pursued, although the noble Lord has sedulously abstained from pointing out the course which in his judgment they ought to have pursued. Sir, I believe that I am going to vote in common with the noble Lord to-night. I believe, that the noble Lord is as conscious as any man of the critical position of Ireland at the present moment; the noble Lord knows and feels, and his official experience for a long period in the office of Home Secretary of this country leads him not only to feel, but to know, that in the present state of Ireland, as in the state of Ireland while it was under his own immediate superintendence, some such measure as this cannot with safety be dispensed with. The noble Lord admits that danger, he admits that critical position, and yet the noble



Lord, dealing with this subject, admitting the danger, admitting the critical position, admitting the excitement, admitting the danger of the excitement, having no remedy to propose, does not hesitate, with the weight of his official responsibility of former times upon him—with the weight of his character and station upon him, to come forward at this most critical juncture of British and of Irish interests, and without venturing to suggest a remedy, nay, telling you, as he did in the commencement of his speech, that it would consist rather of a suggestion of difficulties than a suggestion of remedies—he brings forward at this moment of popular excitement, and, as he admits, of national danger, every topic which can inflame to madness the people of Ireland, and for the purpose it would seem of throwing odium upon a Government to which he is opposed for not having remedied a state of things, which, by the noble Lord's own confession, has existed for years before they came into office; and, at any rate, during the whole period during which the noble Lord himself administered the affairs of this country. I will follow the noble Lord through the statements he has made, and I will ask any Gentleman to contradict me in any of the assertions I make—first, that the noble Lord, following not my right hon. Friend (Sir J. Graham), but as he admits, the hon. Member for Sheffield, and the hon. Member for Bath, has introduced the most exciting topics, of which he has ventured to suggest no solution; he has told you of the difficulties of the case—he has not told you of the remedy, and the whole tendency and effect of his speech can be this, and nothing more—to excite irritation without pointing out the means of allaying it. The noble Lord complained of the course which the present Government have taken during the two years they have held the reins of office, and contrasted it with the course which former liberal Administrations had pursued on this subject. I don't complain of the noble Lord for the act of duty which he performs in vindicating the character and intentions of the late Duke of Bedford; but he says, it is true indeed that this very Arms Bill was one of the measures which was contemplated by the Administration of the Duke of Bedford; it is true, that this Arms Bill was found in the desk of the British Secretary of the day, it is true, that all succeeding Governments, Whig

Tory, or of whatever complexion they might be, differing in all other points of policy, have agreed in this—that it is necessary for the safety of the empire to impose some restriction upon the free and unlimited use of arms, by the population of Ireland. I will not enter into a discussion of details, they will be much more fittingly considered in the committee; but the point which the noble Lord selects as that on which all parties agreed is precisely that which—the principle being admitted, is the most offensive—namely, that the right to bear arms, which is the universal right in England, and qualified only by individual circumstances, is reversed in Ireland; the right to bear arms here being the rule, the right to bear arms in Ireland being the exception. The noble Lord admits that it has been the principle of all Governments that you should require in Ireland a licence to bear arms, and that the right to bear arms should be held an exception to the general rule, although it be the general rule in England without any licence that every individual should be entitled to bear arms. As far as principle goes, the noble Lord entirely agrees with us; and he supports us in the principle of the bill. He is quite ready to enter into a discussion, and I wish he would enter quietly and calmly into a discussion; of the individual clauses of this bill; if the noble Lord wishes it, let him compare each individual clause of this measure with each individual clause of any bill which has been brought in under his own sanction, in his own administration, within the last three years, instead of entering on the wide field of discussion upon the general policy of Ireland, and I shall be most ready to meet him; but, says the noble Lord, it is true that the Duke of Bedford meditated an Arms Bill, but he also meditated an extensive measure for the commutation of tithes, and he also meditated a measure on the subject of popular education in Ireland. Does the noble Lord throw out this against me or my right hon. Friend to whom he replied, that with regard to those two measures which, he said, the Duke of Bedford meditated, we have taken no steps towards effecting those great objects which the noble Lord considers properly coupled with an Arms Bill? Has no step been taken to render Irish tithes less obnoxious? [Lord J. Russell: I spoke of the year 1807.] Yes, you say, that while the Duke of Bed-

ford meditated an Arms Bill, he also meditated an extensive measure for the commutation of tithes and popular education, while we bring forward the Arms Bill, and the Arms Bill alone. Have not the other two measures already been carried into effect? The Duke of Bedford was of opinion that there ought to be a restriction on the population bearing arms in Ireland, but he would have remedied the obnoxious system of collecting tithes, and would have introduced a liberal system of education. I ask the noble Lord whether, according to his own view, we have not gone as far as the Duke of Bedford would have desired with regard to the two principal measures he refers to; and I ask him why, therefore, he draws a contrast between the Duke of Bedford and the present Government? But the noble Lord says the measures of Parliamentary reform were altogether unequal in England and Ireland. Is that so? and why is it so? And who was the leading Member of Lord Grey's Administration in the House of Commons when that unequal, inefficient measure, was brought in? Why did not the noble Lord then feel the injustice which seem to press on him so heavily now? Why did he not then remonstrate against the inequality of the measure? I was then his colleague; I heard no remonstrance, although I sat by the side of the noble Lord; and with me the noble Lord, if I mistake not, was prominent in rejecting the amendments for an extension of the franchise which were made in committee on the Irish Reform Bill. But I will go further, and tell the noble Lord this—and I challenge him or any hon. Member on the other side to disprove it—that the franchise conferred by the Irish bill is not only as extensive, but more extensive, than that conferred by the English Reform Bill. And I tell the noble Lord this—repeal the Irish Reform Bill to-morrow; substitute for it a measure similar to the English bill; interpret it as you interpret the English bill; carry its provisions into effect as you do these of the English bill; introduce the English registration, and act upon it; test the votes as they are tested by the English Registration Bill; and I challenge you to prove—except in the case of 40s. freeholders in fee, and that class is small in number, the lowest and most corrupt portion of the constituency, and confined almost entirely to the county of Kildare,

and to some few places where persons have established themselves upon common lands,—I challenge any hon. Gentleman to show me that the franchise conceded by the Irish bill is not more extensive than that which has been conferred upon the people of England. At the same time I do not say that the circumstances of the case do not require it to be so. I may now be allowed, perhaps, to refer for a moment to the noble Lord's taunt on the subject of the Registration Bill. When I sat on the other side of the House, it was represented to me—and I fully satisfied myself of the fact by careful examination—that there were in the system of registration of Ireland defects, abuses, grievances, the existence of which no one denied, and which loudly called for a remedy. I brought forward a bill which I believed would afford an efficient remedy for those grievances, and which I still believe. The bill was unfortunately, considered more as a matter of party contest than as a subject for calm deliberation. I admit, while I regret, that circumstance. I brought forward the bill, I solemnly declare, with no party views; and never was I more surprised than when I found that bill converted into an organ of fierce political discussion. It was our duty, on succeeding to the Government, again carefully to examine the provisions and to consider the probable effects of that bill, and in that examination it became apparent to us that that measure, however it might have the tendency of remedying grievances and of correcting frauds, would, from the state of the constituency in Ireland, have the practical effect of narrowing the franchise very considerably. It would have done so by applying to the franchise in Ireland that test, which you apply to the franchise in England; and unless you find a substitute, you must diminish to a greater degree than is desirable the amount of the county constituency of Ireland. Seeing this, and being charged with the responsibilities of office—[Lord J. Russell. That makes all the difference]. Yes, Sir, it does make all the difference. Being charged with the responsibilities of office, we were bound to look at the whole of the measure; and, thinking it right that it should be combined as a whole, and not dealt with separately, we were compelled—as my right hon. Friend stated the other night—to postpone it till, by the improvement of the Irish Poor Law, we could find



a basis upon which we could rely with more satisfaction than upon the present valuation, to test the right of persons to exercise the franchise. I have concealed nothing from the House. I have stated, as my right hon. Friend frankly stated the other night, the reasons which induced us to postpone that measure, and for which postponement we have been taunted by the noble Lord. But the noble Lord says, "Why do you not go on with your amended Poor-law? Why do you permit it to lie by till you have passed the Arms Bill? I will tell the noble Lord what was our reason. If the noble Lord had been in office, he might have found that the possession of office does make some difference. He might then have been aware that as the Arms Bill expires at the conclusion of the present Session, if it were advisable to re-enact that bill at all, it was necessary to take precautions that the lapse of time did not prevent us from passing the bill—and the adoption of that bill in the present Session is a matter of absolute and imperious necessity. The noble Lord says:—

"I find great fault with the course the Government have pursued. They have done nothing, as they ought to have done, to conciliate the people of Ireland. I find fault with their appointments of bishops and judges. What have they done, for example, with respect to the question of tenancy! What have they done with regard to the Church!"

I took down the words of the noble Lord in allusion to the question of tenancy. "I admit," he said, "with the hon. Member for Bath, that it is difficult to suggest any improvement." But, if it is difficult to suggest any improvement, is it expedient, is it wise, is it patriotic, is it safe, to hint a fault, and to excite discontent with an existing system? But this is the lame and impotent conclusion to which the noble Lord comes on the subject of tenancy:—

"I admit (says he), that if there be a tenant who has not improved his farm, who has paid no rent, who has let his farm go to ruin, it is quite wise, quite right, quite justifiable that the landlord should eject him." "But," (adds the noble Lord), the wild justice of revenge does not stop to consider what are the merits of the cause of that ejection."

No; but if this be the case, did it not occur to the acute mind of the noble Lord, that it may be somewhat desirable, at all events, to place some limit upon the possession, by those who would execute this wild justice of revenge, of the means by

which their purposes may be accomplished? "Midnight revenge," said the noble Lord, "takes no note of justice." The noble Lord says, that there are circumstances in the condition of Ireland at the present crisis, which require most careful and deliberate attention on the part of the Government. Undoubtedly there are; and I suppose the noble Lord has been bestowing deliberate attention on the circumstances of Ireland for ten years past; but the deliberate attention he has paid to the subject does not enable him to suggest a remedy. The noble Lord says, that if any remedy can be devised for ameliorating the condition of Ireland, it is most advisable that it should be adopted. It needed not the acuteness of the noble Lord to discover, that if such a remedy can be devised, it is most desirable that it should be adopted; but it does seem rather illogical, that when the noble Lord finds fault with the Government for having failed to devise some remedy for the evils which exist in Ireland, he should say, "True, I blame you; but I admit also, that for the life of me I could not find a remedy." But now let me refer, for a moment, to the observations of the noble Lord with reference to the Church. The noble Lord says that he is not prepared to make any motion on this subject. The hon. Member for Bath is prepared to make such a motion. The hon. Member for Sheffield is also ready to propose a motion on this subject. I wish those hon. Gentlemen would bring forward their propositions. I should like to see how we really do stand upon this question. The noble Lord has told us that the two great sources of discontent in Ireland are the nature of the tenancy and the state of the Church. But the noble Lord is not prepared to suggest any remedy for either; he does not see that anything can be done, or what should be done; but he thinks it very natural, that the people of Ireland should be dissatisfied with the nature of the tenancy; and he considers it by no means surprising, that the circumstance of the whole of the ecclesiastical revenues being possessed by a million of Episcopalians, should excite great dissatisfaction in the minds of the Catholic majority. But why does not the noble Lord go on to a legitimate conclusion? Is he prepared to do so? No; he knows that if the hon. and learned Member for Bath brought in to-morrow a



bill for the abolition of the Church of Ireland, he would be compelled by a sense of shame, by a sense of duty, at least I give the noble Lord credit for it, to stand up in this House and oppose such a measure. But if the noble Lord can suggest no remedial measures, why does he urge complaints against the existing state of things which tend to inflame the minds of the people, while he himself tells you that he can propose no remedy?

“Oh! (says the noble Lord), if we had but got the appropriation clause, if we had but obtained the application of a portion of the revenues of the Church in 1834, I think the remaining Church revenues would have been quite safe from any future attempts at alienation.”

The noble Lord, notwithstanding the warning he received at that time from the hon. Member for Cork, who, using a somewhat homely expression, said that he would be very glad to get the first bite of the cherry, though he thought it of little use making two bites instead of one,—but in the face of this statement, and notwithstanding the influence possessed by the hon. Member to whom he alluded, the noble Lord said, that he thought, if a partial sacrifice had then been made, the remaining revenues of the Church would have been safe. The noble Lord says:—

“When we gave up that proposition, we did so because we were compelled to surrender it. We found that we could not make that partial remedy, and even if we had made it, I tell you it would have had no effect.”

Why then, does he taunt her Majesty's Government with having brought forward no remedy? Now let us see how the matter stands; let us see if we can give the Irish people that which will satisfy them consistently with the maintenance of the Union, and of the peace of the empire. If we cannot do this, let the noble Lord speak out, and tell us at once that two things are required to satisfy the Irish people—the abolition of the Protestant Church, and the confiscation of the landed property of Ireland, under the new name of fixity of tenure, with which the people of Ireland are deluded.

“These (says the hon. and learned Member for Bath) are the two levers by which Ireland is moved; and these (says the hon. and learned Member), I am ready and willing to apply.”

“These (the noble Lord says) are the two causes of discontent in Ireland; but God for-

bid that I should say I am ready or willing to apply them as levers.”

Now, I wish the noble Lord would come a little more to the details of his charges against the Government of Ireland. He says he gives my noble Friend near me (Lord Eliot) all credit for good wishes to the people of Ireland. My noble Friend, with good faith, declines to accept this invidious—perhaps I might say insidious—compliment, at the expense of those with whom he cordially co-operates in the administration of the affairs of Ireland.

“But (says the noble Lord) the Government of Ireland, as at present constituted, does not share the confidence of the country.”

If the noble Lord mean that the numerical majority of the people of Ireland, under the guidance of their present leader, and encouraged by some persons in higher stations, who halt between two opinions in a way that is productive of highly mischievous effects if the noble Lord mean that the present Government of Ireland does not possess the confidence of the numerical masses of the Irish people, I admit the fact, and I admit the difficulty of administering the affairs of the country which that fact occasions; but if the noble Lord means the wealth, the intelligence, and the property of the united empire of Great Britain and Ireland. [*No! no!*] Oh, then, hon. Gentlemen don't raise that issue? Oh, then the wealth, the intelligence, and the property of the united empire is in favour of the present Government of Ireland? If, then, the union is to be upheld, is the government of Ireland to be conducted according to the will of the masses, or by means of a machinery which possesses the confidence of the wealth, the property, and the intelligence of the entire empire of Great Britain and Ireland? That is the question. But it would have been more candid in the noble Lord if he had specified the measures by which the Government of Ireland has forfeited the confidence of the people. To no one such measure has the noble Lord pointed. What, I ask, is the Legislative act, what is the executive act of the present Government of which he complains? What just cause of complaint has he, according to his sense of the situation of Ireland? Is it in the mode in which the Government has maintained the system of national education, supported warmly by the noble Lord at the risk of alienating several of

those who usually support our measures in this House? Is that a proof of want of courage in her Majesty's Government; that they have maintained the system under such circumstances? What, then, is the executive act of the government of Ireland of which the noble Lord complains? I wish the noble Lord had stated which of the appointments to the judicial bench he condemns; I wish the noble Lord had told us in the face of the bar of Ireland of any one man whom, with reference to standing at the bar, and not on the ground either of religion or politics, the noble Lord could have mentioned as superior in point of business or in standing at the bar to those whom we have appointed. He cannot name one. I wish that any hon. Gentleman would name one man, either Roman Catholic or Protestant, superior in point of eminence and standing at the bar to Mr. Baron Lefroy—superior in point of eminence and standing at the bar to Chief Justice Pennefather—superior in point of eminence and standing at the bar to Mr. Blackburne or to Mr. Justice Jackson; and I tell you that unless the Government had fixed the ban of proscription, and something like that has been done in other times by some governments, on every one who held Conservative opinions, we should not have been able to select any others than those who have been appointed, and whose professional claims rendered the choice of them indispensable. [Sir C. Napier: Now for the bishops.] Sir, I admire the gallant Commodore's naval merits, but though I willingly bow to his professional skill, he must excuse me if I decline to concede to his claims to be an authority as to appointments in the church. The noble Lord, confining himself to generalities, again says, "How can the Catholics be satisfied, removed as they have been from a dungeon into a light room, but still being kept in solitary confinement?" That was the simile of the noble Lord, I believe, and it may be a very pretty simile. But I must say I do not understand it; I want to know what is the entire liberty the perfect equality with reference to their fellow-citizens which the Roman Catholics of Ireland do not now possess? But if the noble Lord complains of the Roman Catholic being in confinement, why did he not liberate him when the noble Lord was in power? Why did he not fling open the windows, and let loose the prisoner? I

want to know what more is to be done for the Roman Catholic? You say "Much." What is it? "No," says the noble Lord, "I can suggest difficulties, but I cannot devise remedies. But how," says the noble Lord, "how can the people of Ireland be satisfied when they see in the high office of the Chancellorship one who has let fall expressions which have been considered disrespectful to the people of Ireland?" Why, Sir, I see sitting near the noble Lord an hon. Gentleman, a near relation of the hon. and learned Member for Cork,—I hope he does not think there is anything offensive in speaking of our having a different language, and being a different race from the Irish, because I think he cannot but feel that this is the kind of language his hon. and learned relative has been using lately, and indeed for many years, of the English nation. If "aliens from England" be offensive, how can he justify calling us Saxons and other names which fall thick as hail from the lips of the hon. and learned Member for Cork? Surely the two things are very much the same; the only difference is, that in England we have sufficient good sense to laugh at all these epithets. But I am glad that the noble Lord is impressed with the necessity of the extreme caution with which speeches in Parliament ought to be made, which are liable to misconstructions and misinterpretations out of doors. I wish this necessity had occurred to him at a little earlier period, and he will excuse me adding, before the speech which he has just delivered. I have seen within the last week a number of placards couched in language of which I will not say that it is within the reach of the law, or that it is treasonable, but which I will say is calculated to inflame one class of her Majesty's subjects against another, and which might lead to very disastrous consequences. I say, that in holding these meetings in Ireland, which, if not illegal, and I pronounce no opinion upon that, I think the noble Lord will agree with me, are dangerous to the public peace, and calculated to frustrate all attempts at good government, I find that placards have been exhibited, headed by the words,

"With respect to the repeal of the union, it is like any other measure, and is liable, like any other statute, to modification or amendment.—Lord JOHN RUSSELL."

I do not complain of the sentiments uttered by the noble Lord. I admit that



the statute, like all other acts of Parliament, is liable to be made the subject of modification and amendments; but when the noble Lord spoke of the impropriety of using imprudent expressions at an inconvenient period, and at a crisis when the use of them might be attended with dangerous consequences, and be productive of injurious effects, the noble Lord should himself be peculiarly cautious of the language which he uses in the House, and take care not to give encouragement to the proceedings of those who disturb the public peace, and who excite dissensions amongst the people of the empire, from which most dangerous consequences may be apprehended. Amidst much animadversion in which the noble Lord had indulged, he does not himself suggest any substantial change of policy with respect to the government of Ireland. He has touched upon many topics well calculated to excite discontent, but he has presented no remedy—he has suggested no palliation of the evils under which he says Ireland is suffering. The noble Lord agrees with us in the necessity for the present measure. We both think it necessary to restrict the use of arms in Ireland. We both consider the bill not as a measure of oppression, or even of coercion, but as a measure of protection to the well-disposed in that country. We are both desirous of going into committee for the purpose of discussing the bill, and by fair argument in its details to render it of such effect as to make it instrumental to the peace and welfare of Ireland, and to the orderly administration of the laws in that country.

Mr. *M. O'Ferrall*, who obtained a hearing with difficulty, said, that he should not at that late hour have risen to address the House, as it might be considered presumption in him to obtrude himself after the speeches of the noble Lord and the right hon. Baronet at the head of the Government, were it not for the extraordinary speech of the right hon. Baronet the Secretary for the Home Department, and the excited manner in which the right hon. Gentleman had alluded to the class to which he (Mr. O'Ferrall) belonged, namely, the Roman Catholic Members of that House. He should feel it an unworthy act to have heard the observations, and, even though unprepared, not to reply. Everybody in the House would admit, that this Arms Bill had been discussed with singular moderation by the Irish

Members, for they felt, though perhaps the right hon. Gentleman did not feel, the deep responsibility and the serious import of the question. The present were times of extraordinary difficulty as regarded Ireland, and it was of great importance, that no language should be used in that House, calculated to increase the excitement which prevailed in that country. He would ask when no Roman Catholic Member of the House uttered anything calculated to cause provocation, was it right in a Minister of the Crown to attack them? As he had risen, he felt it right to state the course which the Roman Catholic Members had pursued with respect to the present Government. When they felt that the late Government had been constitutionally dismissed, they felt it their duty as Irish representatives, not to impede the Government, though they could not support it, and he would challenge them to show one instance of a Roman Catholic Member, a person of property, either in or out of the House, who had offered what could be considered a factious opposition to the present Government. If for such conduct, then, they were not entitled to credit, they were at least entitled to forbearance. The hon. Member for Bath, as well as the hon. Member for Sheffield, had alluded to exciting topics in advertising to the Established Church in Ireland, but had it ever been alluded to by any Roman Catholic Member? What right, then, had the right hon. Gentleman to attack the Roman Catholic Members? If the observation came from an hon. Gentleman near the right hon. Baronet, he should not have been much surprised, but coming from the right hon. Gentleman, he must say, that much as he was before, alarmed at the state of Ireland, he was still more so now. If one who held a place in the Cabinet, and was a responsible adviser of the Crown, entertained such opinions as the right hon. Gentleman professed, and had the impolicy and imprudence to give utterance to, he must again say that it was calculated greatly to add to his alarm respecting the state of Ireland. He hoped however, that the difficulties would pass away, that the evils which had been predicted would not occur, but, if such happily should be the case, it would not be owing to the prudence or the policy exhibited by the present Government, either in this country or in Ireland. Before he sat down, he would remind the House, that on the accession of Earl de Grey to



the Viceroyalty of Ireland, the greatest anxiety was evinced by the Roman Catholic hierarchy of Ireland to pay all due respect to the representative of the Crown in that country. The levees were attended, and if the visits were not repeated, it was because of circumstances to which it was not now necessary to advert.

Sir C. Napier moved, that the debate be adjourned.

Mr. J. Collett seconded the motion.

The House divided :—Ayes 67; Noes 235 :—Majority 168.

*List of the AYES.*

Archbold, R.	Hill, Lord M.
Barnard, E. G.	Hindley, C.
Barron, Sir H. W.	Holland, R.
Berkeley, hon. Capt.	Howard, hon. C.W.G.
Bernal, Capt.	Howard, hon. J. K.
Blewitt, R. J.	Howard, P. H.
Brotherton, J.	Howard, hon. H.
Browne, hon. W.	Mitcalfe, H.
Byng, G.	Murphy, F. S.
Byng, rt. hn. G. S.	Norreys, Sir D. J.
Carew, hon. R. S.	O'Brien, J.
Chapman, B.	O'Brien, W. S.
Childers, J. W.	O'Connell, M. J.
Clements, Visct.	O'Connor, Don.
Collett, J.	Oswald, J.
Corbally, M. E.	Parker, J.
Crawford, W. S.	Pechell, Capt.
Dawson, hon. T. V.	Redington, T. N.
Duke, Sir J.	Stansfield, W. R. C.
Duncan, Visct.	Stuart, W. V.
Duncan, G.	Strutt, E.
Duncombe, T.	Tancred, H. W.
Dundas, D.	Thorneley, T.
Ellice, E.	Trelawny, J. S.
Elphinstone, H.	Tuite, H. M.
Ewart, W.	Wall, C. B.
Fielden, J.	Ward, H. G.
Ferguson, Col.	Wawn, J. T.
Fitzroy, Lord C.	Williams, W.
Forster, M.	Wood, B.
Gill, T.	Wyse, T.
Gisborne, T.	Yorke, H. R.
Gore, hon. R.	
Granger, T. C.	
Hall, Sir B.	

TELLERS.

Napier, Sir C.  
Bowring, Dr.

*List of the NOES.*

Aekers, J.	Baring, hon. W. B.
Acland, Sir T. D.	Barneby, J.
A'Court, Capt.	Barrington, Visct.
Acton, Col.	Baskerville, T. B. M.
Adare, Visct.	Bateson, R.
Adderley, C. B.	Beckett, W.
Alford, Visct.	Bernard, Visct.
Antrobus, E.	Blackburne, J. I.
Arbuthnot, hon. H.	Blackstone, W. S.
Archdall, Capt. M.	Blakemore, R.
Arkwright, G.	Bodkin, W. H.
Bailey, J. jun.	Boldero, H. G.
Bannerman, A.	Borthwick, P.

Boyd, J.	Godson, R.
Bradshaw, J.	Gordon, hon. Capt.
Bramston, T. W.	Gore, M.
Broadley, H.	Gore, W. O.
Broadwood, H.	Gore, W. R. O.
Bruce, Lord E.	Graham, rt. hn. Sir J.
Bruce, C. L. C.	Granby, Marq. of
Buckley, E.	Greenall, P.
Buller, Sir J. Y.	Greene, T.
Bunbury, T.	Grogan, E.
Burrell, Sir C. M.	Halford, H.
Burroughes, H. N.	Hamilton, J. H.
Campbell, Sir H.	Hamilton, G. A.
Cardwell, E.	Hamilton, W. J.
Castlereagh, Visct.	Hamilton, Lord C.
Charteris, hon. F.	Ilampden, R.
Chetwode, Sir J.	Hardinge, rt. hon. Sir H.
Cholmondeley, hn. H.	Hardy, J.
Christopher, R. A.	Hay, Sir A. L.
Chute, W. L. W.	Hayes, Sir E.
Clayton, R. R.	Henley, J. W.
Clerk, Sir G.	Hepburn, Sir T. B.
Clive, Visct.	Herbert, hon. S.
Clive, hon. R. H.	Hervey, Lord A.
Codrington, Sir W.	Hodgson, F.
Colborne, hn. W.N.R.	Hodgson, R.
Collett, W. R.	Hogg, J. W.
Colville, C. R.	Hope, A.
Compton, H. C.	Hope, G. W.
Corry, rt. hon. H.	Hornby, J.
Courtenay, Lord	Hughes, W. B.
Cresswell, B.	Hussey, T.
Cripps, W.	Ingestre, Visct.
Damer, hon. Col.	Irton, S.
Darby, G.	Jermyn, Earl
Dawnay, hon. W. H.	Jocelyn, Visct.
Denison, E. B.	Johnstone, Sir J.
Dickinson, F. H.	Jones, Capt.
Douglas, Sir H.	Kemble, H.
Douglas, Sir C. E.	Knatchbull, rt. hn. Sir E.
Douro, Marq. of	Knight, F. W.
Dowdeswell, W.	Lambton, H.
Drummond, H. H.	Law, hon. C. E.
Duncombe, hon. A.	Lefroy, A.
Dungannon, Visct.	Legh, G. C.
Du Pre, C. G.	Leslie, C. P.
Eaton, R. J.	Liddell, hon. H. T.
Egerton, W. T.	Lincoln, Earl of
Egerton, Sir P.	Lockhart, W.
Eliot, Lord	Lowther, J. H.
Escott, B.	Lygon, hon. Gen.
Estcourt, T. G. B.	Mackenzie, W. F.
Farnham, E. B.	Mackinnon, W. A.
Fellowes, E.	Maclean, D.
Ferguson, Sir R. A.	Mc Geachy, F. A.
Ferrand, W. B.	Mahon, Visct.
Filmer, Sir E.	Manners, Lord C. S.
Flower, Sir J.	Manners, Lord J.
Follett, Sir W. W.	Marsham, Visct.
Forbes, W.	Martin, C. W.
Forester, hon. G.C.W.	Master, T. W. C.
Fox, S. L.	Masterman, J.
Fuller, A. E.	Maxwell, hon. J. P.
Gaskell, J. Milnes	Meynell, Capt.
Gladstone, rt. hn. W. E.	Miles, P. W. S.
Gladstone, Capt.	Miles, W.
Glynne, Sir S. R.	Milnes, R. M.

Morgan, O.	Scarlett, hon. R. C.
Morris, D.	Seymour, Sir H. B.
Mundy, E. M.	Shaw, rt. hon. F.
Neeld, J.	Shelburne, Earl of
Neeld, J.	Shirley, E. J.
Newport, Visct.	Smith, A.
Newry, Visct.	Smith, rt. hn. T. B. C.
Norreys, Lord	Smollett, A.
Northland, Visct.	Somerset, Lord G.
O'Brien, A. S.	Stanley, Lord
O'Ferrall, R. M.	Stanley, E.
Owen, Sir J.	Stuart, H.
Packe, C. W.	Sutton, hon. H. M.
Paget, Col.	Talbot, C. R. M.
Pakington, J. S.	Taylor, T. E.
Palmer, R.	Tennent, J. E.
Peel, rt. hon. Sir R.	Thesiger, F.
Peel, J.	Thornhill, G.
Pennant, hon. Col.	Tollemache, J.
Pigot, rt. hon. D.	Townley, I.
Pigot, Sir R.	Trench, Sir F. W.
Plumptre, J. P.	Trevor, hon. G. R.
Polhill, F.	Trollope, Sir J.
Pollock, Sir F.	Trotter, J.
Ponsonby, hon. J. G.	Turnor, C.
Praed, W. T.	Verner, Col.
Price, R.	Vesey, hon. T.
Pringle, A.	Vivian, J. E.
Pusey, P.	Waddington, H. S.
Rashleigh, W.	Welby, G. E.
Rendlesham, Lord	Wellesley Lord C.
Rose, rt. hon. Sir G.	Wilbraham, hn. R. B.
Ross, D. R.	Wodehouse, E.
Round, J.	Wortley, hon. J. S.
Rous, hon. Capt.	Wortley, hon. J. S.
Rushbrooke, Col.	Young, J.
Russell, Lord J.	
Russell, C.	TELLERS.
Sandon, Visct.	Fremantle, Sir T.
	Baring, H.

Question again put.

Captain Berkeley, considering the vote he had given on the Irish Coercion Bill, would be sorry that the debate should close without his giving his reasons for the vote to which he was about to come. Shortly after the vote on the Coercion Bill, he had accepted office under Earl Grey; consequently, he had to return to his constituents, and having been before at the head of the poll, he found the sympathy of Englishmen with Irishmen so great, that owing principally, he believed, to the vote he had given, he was rejected. At that time, he happened to be a resident in Ireland; the repeal question was then in agitation; but, under different circumstances from the present; there was violence, danger, all which was not now the case. He had at that time confidence in the Government of Earl Grey, and he felt sure that, in giving that Coercion Bill, its powers would not be used, if it were possible to avoid it; he had not the same confidence in the present Government, and

he was not prepared to give to them more stringent powers with regard to an Arms Bill, than upon former occasions. If this bill had been a bill similar to those passed in former days, he would have given to it his assent, but it was not the same, and he must certainly vote against it.

Mr. Gisborne: The right hon. Gentleman, the Secretary of State for the Home Department, had chosen to throw down a challenge to the noble Lord (Lord J. Russell), and to divide the House into two sections; and as he (Mr. Gisborne) formed one of those sections, and intended to take part in the debate, which he could not do at that time in the morning (two o'clock), he would move that the debate be adjourned.

Mr. J. Collett seconded the amendment.

Mr. M. J. O'Connell hoped the House would give him its indulgence whilst he said a few words. He would not have spoken if it had not been for the peculiar, if not the ungenerous appeal made to him by the noble Lord, the Member for Lancashire. [Mr. Borthwick: Why not?] There was no other Member than the hon. Member for Evesham who would have asked, "Why not?" There was no one else, save the explainer of Lord Lyndhurst's words, although the explainer and the explanation were both thrown over by the Government, would have asked that question. The noble Lord had referred to him (Mr. O'Connell) to justify certain expressions which had been made use of elsewhere by a near and excellent relation of his. It was not his place in that House to justify, or to become the apologist of every expression used by the hon. Member for Cork out of doors, still less could he be called upon to condemn any. If, upon any question he happened to differ from the hon. Member, it would be ungenerous and unfair in him to say so, and if he agreed with him, his argument would be deemed worth little, as it would be attributed to his close relationship. He did not intend to take upon himself the office of dissenting from, or of defending the hon. Member, who, if he were present, was quite able to defend himself. He could, however, conceive a great difference between topics used without meaning any harm and arguments coolly used elsewhere. In a large assemblage, expressions were more excusable than in small meetings. He found, that some small assemblages were very excitable. He could well think, that where



the orator and the listeners were warm alike, expressions might fall which, though possibly censurable, were still more censurable when they were used calmly, and in the first deliberative assembly in the world—expressions used not merely for the purpose of vain declamation, but for the purpose of withholding from the people of Ireland those rights, which, five years afterwards, the opponents were compelled to give, though they had the usual bad grace, by nibbling at details, to render the act as little worth giving as it was possible, and he would say, that however exciting, and injurious, and dangerous anything might be which had been said with respect to Ireland, he did not think that it could be half so exciting or so dangerous as the speech which they had that night heard from the right hon. Baronet, the Secretary for the Home Department.

Mr. *Philip Howard* said, that if he was opposed to the bill before the speech of the right hon. Baronet, he now felt his opposition should be doubled, for it showed the "*animus*" of the Government with respect to Ireland. It might lead to the discovery of a few rusty arms perhaps, and therefore, it might be termed not unappropriately the "*Rusty Arms Bill*," it would create jealousy and discontent, without conferring power, for great evils, great remedies were required. He could not see the great gratitude he owed in receiving back those civil privileges, and that constitutional freedom which his Catholic ancestors had wrung from the hand of power by their perseverance, and cemented by their blood. The Catholic powers of Europe had placed their Protestant subjects on a footing of equality nearly twenty-years before the same rights were conceded to those who in this country believed with him. He had strictly confined himself to the subject before the House—that course had been pursued by those of his creed who had addressed the House, and for whatever sentiments may have been expressed by the hon. and learned Member for Bath, or by his hon. Friend the Member for Sheffield, he was not answerable. When the Bishops of the Established Church were menaced in their rights, when it had been proposed to take away their privileges as Peers he had by his vote and voice opposed that innovation. He threw back with indignation those reflections of perjury. During rather a long Parliamentary career he had never voted in a manner to merit such a taunt;

during a long winter of persecution his forefathers had been debarred from every object of ambition by the sacred restraint of an oath. He thought that Government an object of pity which could descend to such means of undignified retaliation.

Sir *W. Barron* said, after the insulting language of the right hon. Baronet—

The *Speaker*: The word "insulting" is unparliamentary.

Sir *W. Barron* had used the word with reference to his country, and he repeated that the speech of the right hon. Baronet had been insulting to Ireland and to his Catholic fellow-countrymen. He hoped the debate would be adjourned, if only to enable the Catholic Members to recover their composure, which was very necessary.

Sir *J. Graham*: I am sure, Sir, after what has fallen from two hon. Members in succession, one or other, or both of them, will be so obliging as to specify the expressions which they refer to as having been insulting to themselves personally? or, what is far more important, to my Catholic fellow countrymen? or, which would have been even more unpardonable, to a large portion of the British empire? I appeal not to their generosity, but to their sense of justice, and as gentlemen.

Mr. *P. Howard* said, the right hon. Baronet had alluded to the solemn oath taken by the Catholic Members of Parliament; and what inference could be drawn from the allusion, but that they had infringed those oaths?

Mr. *Wyse* said, the right hon. Baronet's words were to this effect:—"I thought the Roman Catholic Noblemen and Gentlemen might be trusted on their oaths which they took at the time;" and, certainly the manner in which the right hon. Baronet repeated the words had produced the impression upon him and the Gentlemen around him, that the right hon. Baronet intended to convey the charge that the Roman Catholic Noblemen and Gentlemen to whom he referred had, if not openly, at least passively, violated their oaths.

Lord *Clements* said (amidst some confusion) that he thought the language employed by the right hon. Baronet was wicked and mischievous. He repeated it, wicked. The speech of the right hon. Gentleman would shake the peace of Ireland, and was more calculated to do mischief than all the harangues of Mr. O'Connell. The words of the right hon. Baronet—[Sir *J. Graham*: What words?]



—he regretted the use of such language, and he pitied the person who could use it.

Sir *James Graham*: I shall appeal, Sir, not to the indulgence of the noble Lord, but to the judgment of the House. I thank the three Gentlemen who responded to my appeal by giving substantive form to the charge urged against me. Nothing was further from my intention than to have spoken at all this evening; and till nearly the end of the learned Member for Bath's speech I did not make up my mind to do so. I had heard last night strong observations upon great questions of policy made by the hon. Member for Sheffield; and to-night observations fell from the learned Member for Bath, which appeared to me highly dangerous in the present state of Ireland. Having but a short time to exercise any reflection, I did think it would be inconsistent with my duty to allow that speech to pass without observation. I appeal to the judgment of the House if it was possible to pass by the topics adverted to by the learned Gentleman, and whether it was possible to avoid, in discussing these topics, the use of language that, to some, might seem exciting. The subject naturally induced a warm and animated tone on the part of one, who, like myself, was expressing his conscientious opinions in all sincerity. The hon. Member for Waterford says, that I indulged in insinuations. Now it appears to me that the complaint is, that in what I addressed to the House I was too plain, and was not sufficiently cautious and guarded in the expressions I used. I am most anxious to abstain from attempting to give the slightest colouring to what I formerly said, or to utter anything which is not perfectly consistent with the exact truth. If I recollect rightly the observations which have been complained of were made with reference to a speech delivered by my right hon. Friend the Member for Tamworth, in 1817, which had been referred to in a previous part of the debate by the hon. Member for Sheffield, and what I then said referred to the answer of Mr. Canning to that speech. My observations were to this effect, that my right hon. Friend the Member for Tamworth had then stated, that if the Catholics obtained an equality of civil rights with their Protestant fellow subjects, it was not in human nature that they should not try to obtain a supremacy for their Church. Mr. Canning in his reply, which I read to the House, demurred to this opinion, and said

that he did not believe that there would be any result of the kind, but that the Catholics would be perfectly satisfied with equality, and that he was firmly convinced, if the Legislature granted concession to the Roman Catholics, there would be no danger to the Protestant Establishments of the country. I, for my own part, went on to say, that I had been always a warm and sincere advocate of the Catholic claims, and that I uniformly advocated them in and out of the House, although I might be exposed to some obloquy for doing so; and that I had done so from a firm belief that the Roman Catholics would be satisfied with equality, and would not do anything to endanger the Protestant Church as by law established. I went on to say that I placed implicit belief in the solemn statements and asseverations made in the most solemn manner by noblemen and gentlemen professing the Roman Catholic religion both in England and in Ireland, and that I had readily believed in evidence given on oath by the Roman Catholic Prelates, before the other House of Parliament. This was in substance and in form, nearly what I said, I said, that I did not impute to those hon. persons, any wilful attempt to depart from their oaths, but I was satisfied that they had deceived themselves, and did not seek to deceive others by the evidence they had given, and the statements which they had made. If any one will refer to the speech of my right hon. Friend of 1817, it will be seen that what my right hon. Friend had referred to, what he pointed out as the effect of concession was the result of the great principles of human nature; and that, although the Catholics believed that they should be satisfied with an equality of civil rights, still, looking at circumstances in the condition of Ireland, where the great mass of the people professed a religion which was not the established religion; and the bulk of the property belonged to those who were members of that establishment; he went on to argue from the principles of human nature, that the Roman Catholics could not be satisfied with an equality of civil rights alone. I thought that the declarations made by the Roman Catholic noblemen and gentlemen were well-founded, and sincere when they gave them, and I have no doubt now, that they were perfectly sincere at the time, but I wanted to show in what I said, that the views taken by my right hon. Friend as to the general feelings of human nature,

were sound, and had proved to be correct. And now, judging from declarations that have been most boldly made—judging from opinions and statements prominently put forward by the Roman Catholic hierarchy of Ireland—I own with sorrow and alarm, that their present demands appear to me inconsistent with the safety of that Protestant Church, which heretofore they declared it was not their purpose to overthrow.

Mr. *Redington*, being one of the Roman Catholic Members who had felt very indignant at the charges he supposed the right hon. Baronet had made against those of his religion, must say that, after the calm statement made by the right hon. Gentleman, had his former speech been delivered in the same quiet tone—[*Hear.*—] yes, he did say, that had the former speech been given in the same quiet and deliberate tone, he should not have felt so indignant as he acknowledged he had felt. If the right hon. Baronet admitted that the prophecy of 1817 was likely to be realized, he was receding from the opinions of his youth. If any one had a charge of perjury to make against him or any other Roman Catholic Member, let them come boldly forward, and make it in the face of day; he and they would be glad to meet any charge that was manfully made on the floor of the House.

The *O'Connor Don* felt bound to say, that what had fallen from the right hon. Baronet was satisfactory to his feelings, and would tend to remove much of the irritation which the former speech would create in Ireland.

Debate adjourned. House adjourned at Three o'clock.

## HOUSE OF LORDS,

Monday, June 19, 1843.

MINUTES.] NEW MEMBER SWORN.—The Bishop of Ossory.

BILLS. *Public.*—1<sup>a</sup>. Church Endowment.

2<sup>a</sup>. Apprehension of Offenders; Charitable Pawn Offices; Assessed Taxes.

3<sup>a</sup>. and passed:—Millbank Prison.

*Private.*—1<sup>a</sup>. Drumpeller Railway (No. 2); Bolton Water Works; Eglwysrhos Inclosure.

2<sup>a</sup>. Mildenhall Drainage; Hull Water Works; Topsham Improvement; Leighton Bussard Inclosure; McCulloch's Estate.

*Reported.*—Great Bromley Inclosure; Leamington Priors Improvement.

3<sup>a</sup>. and passed:—Bristol and Gloucester Railway; Plymouth, etc. Roads, Carriages, and Boats Regulation.

PETITIONS PRESENTED. By Earl Brownlow, from Newton-upon-Trent, and another place, against any further Grant to Maynooth College; and from Newark, against the Registration of Births, etc. Act.—By the Earls of Yarborough, and Stradbroke, and Lord Camoys, from a number of places, against the Canada Corn Bill.—By the Earl of Clancarty, from several places, against the National System of Education in Ireland.—By the Duke of Richmond, from several Metropolitan Parishes, against the Charitable Loan and Pawn Bill.—From Blything, for Extension of the Time fixed for the Repayment of Loans for Emigration purposes.—From Bolsover and Searliff, in favour of a System of National Christian Education.—From Ilfracombe, against the present System of Apprenticing poor Children.

CHARITABLE PAWN OFFICES.] The Earl of *Devon* moved that the Charitable Pawn offices bill be read a second time.

The Duke of *Richmond* hoped that his noble Friend would not persevere in his motion, but would allow the bill to be referred to a select committee.

Lord *Ashburton* said the bill was one of greater importance than their Lordships were, perhaps, aware of, and he hoped, therefore, that they would not pass it without having first inquired into its probable effects. He did not himself mean to offer any opposition to the bill; all he wished was, that their Lordships should be aware of the great change which it would bring about in the pawnbroking business.

The Bishop of *Norwich* expressed his approbation of the measure, The poor in England were forced to pay enormously for the little accommodation which they occasionally required. In Paris they never paid more than 9½ per cent. interest on loans, whereas in England they were often obliged to pay 70 per cent.

Bill read a second time, and referred to a select committee.

The House adjourned till Thursday.

## HOUSE OF COMMONS,

Monday, June 19, 1843.

MINUTES.] BILL. *Public.*—*Committed.*—Chelsea Hospital.

*Reported.*—Salmon Fisheries; Factories.

*Private.*—2<sup>a</sup>. Neath Harbour (No. 2).

*Reported.*—Dundee Harbour.

3<sup>a</sup>. and passed:—Watson's Divorce; Drumpeller Railway (No. 2); Borrowstounness Improvement and Harbour; Eglwysrhos, etc. Inclosure.

PETITIONS PRESENTED. By Messrs. Hughes, Bowes, Evans, Ord, S. Wortley, Thornely, Brotherton, Divett, Stansfield, Trelawney, Ricardo, Christie, Blewitt, Plumtre, Bernal, G. Knight, Legh, Wawn, Hindley, Heathcote, Vivian, M. Gibson, Villiers, Benett, Elphinstone, Lambton, Turner, E. Buller, C. Wood, and Barnely, Lord H. Vane, Colonel G. Langton, Sir G. Smythe, Lord Henniker, Colonel Anson, Dr. Bowring, Sir B. Hall, Lord Clive, Sir G. Staunton, Lord Worsley,



Lord Duncan, and Sir W. Clay, from an enormous number of places, against, and by Lord J. Manners, Sir R. H. Inglis, and Mr. McGeachy, from eleven places, in favour of the Factories Bill.—From Alveston, for further Limiting the Hours of Labour in Factories.—By Mr. Shaw, from Cork, and Callan, against the Repeal of the Union, and for gentle Measures; and by Mr. Grogan, from Dublin, to the same effect.—By Mr. S. Wortley, from Keighley, in favour of the Scientific Societies Bill.—By Mr. Collett, from Athlone, against the Irish Poor-law.—By Mr. T. Duncombe, from Liverpool, Newcastle, Northampton, and other places, for better Treatment of Cooper the Chartist; and from South Shields, and Sutton in Ashfield, for the Repeal of the Union.—By Lord Bernard, from Cork, against the Repeal of the Union.—By Mr. B. Smith, from Edinburgh, and Norwich, for carrying out Rowland Hill's Plan of Post-Office Reform.—From Dublin, against the Arms (Ireland) Bill.—From Clifton, against the Turnpike Roads Bill.—From Armagh, against the Law prohibiting Grocers from selling Spirits.—From two places, for Encouraging Schools in connexion with the Church Education Societies.—From Colchester, against any further Grant to Maynooth College.—From a number of Dissenting Clergymen in the West Riding of Yorkshire, for the Total and Immediate Repeal of the Corn-laws.—From Leicester, against the Spirit Trade.—From Bodfearn, against the Union of the Secs of St. Asaph and Bangor.—From Tiverton, against the Exemption of Mail Coaches from the Payment of Tolls.—From Oxford, in favour of the Waste Land Allotment Bill.—From Wales, in favour of the Small Debts Bill.—From Chichester, for Amending the Law relating to the Rating of Tithes.—From Stoke-upon-Trent, for Amending the Poor-laws.—From Joseph Phelps Robinson, for Inquiry into the conduct of the Local Government of Sydney with respect to the Execution of four Convicts.—From certain Individuals, in favour of the Coroner's Bill.

#### AFFAIRS OF SPAIN — ESPARTERO.]

Mr. *Hindley* begged to ask whether Spain were to be left to itself in the choice of its government, or whether that government were to be chosen for them by France? He wished also to ask whether the Queen of Spain was to be left free to choose whom she might as her husband? or whether that choice was to be made for her by a foreign state?

Sir *R. Peel* was not called upon at that moment, nor did he desire to enter into the question of the affairs of Spain; but he had no hesitation in saying, that we had fulfilled all our engagements with the present organ of the Spanish Government, and that he had fulfilled all his engagements towards us with perfect good faith and amity. Whatever might take place in Spain, he was convinced that it had been, and was, the earnest desire of the Regent to administer the government committed to his care, on sound constitutional principles? and when the time should arrive for surrendering the high trust reposed in him, he would have the consolation of feeling that he had so strengthened the government of Spain, as to lay the foundation of its future stabi-

lity when it should be transferred to other hands. He repeated, that whatever events might occur in Spain, he never would shrink from bearing his testimony to the fidelity and ability of the present Regent of that country.

AFFAIRS OF SERVIA.] Viscount *Palmerston* wished to ask the right hon. Baronet when there was any likelihood of his being able to lay upon the Table of the House those papers connected with the affairs of Servia which the right hon. Baronet had said, he would be ready hereafter to communicate?

Sir *R. Peel* said, that he had on a former occasion stated to the noble Lord, and with perfect truth, that the only hesitation which he felt to produce the papers in question was, that the names of individuals who had taken part in the proceedings were so mixed up with almost every line of the communications, that their publication might seriously affect the interests of those persons. Servia was not now in a very settled state; but orders had, he believed, been issued, for a new election of a governor; and at the earliest moment at which he could lay those papers before the House consistently with the safety of individuals, he should be ready to produce them.

Viscount *Palmerston* did not wish for information of the nature which the right hon. Gentleman had mentioned, and the production of which, would, he admitted, be objectionable. He would ask the right hon. Baronet whether he would permit him to look over those papers, and to strike out of them every thing that could bear upon individuals. He should be content with the rest, whatever it might be—content, that was to say, as far as those papers went; but, of course, reserving to himself to ask for more if he should think it desirable. His object was to ascertain what was the right of Russia to interfere with the election; and whether any engagement given to Russia had been so violated as to require the election to be cancelled and another to take place. He would undertake to return the papers to the right hon. Gentleman on the following morning.

Sir *Robert Peel* considered that the noble Lord was rather influenced by his former habits of Secretary of State in making his proposal. As far as the per-

sonal satisfaction of the noble Lord was concerned, he should have no objection to afford him a perusal of the papers, but it was rather an unusual and novel proceeding to require him to give up the papers to the noble Lord in order that he might exercise his discretion as to the parts which should be published. Without meaning the slightest disrespect to the noble Lord, he (Sir R. Peel) would rather reserve to the present Secretary of State the duty of deciding what should be produced or not. The parties engaged in these transactions on the part of this country were at present in *Servia*, and he did not think it was in his power to give a full account of these transactions without committing individuals, and probably endangering the election.

FORGERY OF SIGNATURES TO PETITIONS.] Mr. *Christopher* rose, in pursuance of his notice, to call the attention of the House to a circumstance materially affecting the honour of a portion of his constituents, but more materially affecting the privileges of this House. He should at once state the case he had to complain of, and in bringing all the circumstances of it before the House, he thought he should make out one sufficiently strong to satisfy the House that there was a gross and flagrant breach of the privileges of the House, so that the House would no doubt be induced unanimously to accede to his proposal for a select committee to inquire into the circumstances of the case. In the first place he begged leave to advert to a petition that was presented to the House on the 9th May last, which purported to come from a portion of the inhabitants of Epworth, in *Lincolnshire*. That petition declared that the Corn-laws were highly injurious to the interests of the country; and they, the petitioners, living as they were in an agricultural district, were involved in common ruin in consequence of them, and were then suffering through privations which the want of profitable employ entailed upon the people; they implored the House to remove the cause of the present distress by at once repealing those unjust and oppressive laws which obstructed the bounty of an all-wise Providence, and deprived the poor of their daily bread. This petition was presented to the House by the hon. Baronet opposite, the Member for *Preston*. He acquitted the hon. Baronet

of all blame and cognizance of the circumstances connected with the getting up of that petition. It so happened, whether from the public newspapers or from some other source, the attention of the inhabitants of Epworth was drawn to these facts, in consequence of which a public meeting was held in that town, the result of which was, that a petition was forwarded to him to this effect:—

“Whereas a petition for the repeal of the Corn-laws was presented to the House of Commons upon the 9th May last, which professed to come from the inhabitants of Epworth, and that such petition was a forgery, we, the owners and occupiers of property in and inhabitants of Epworth, pray your honourable House to institute a rigid inquiry into this scandalous abuse of the privilege of petitioning, which abuse was becoming every day more general.”

This petition was signed by every ratepayer in the parish, and by the vestry-clerk of the parish, who saw the signatures of the individuals attached to it. He (Mr. Christopher) had declined, in the first instance, to present this petition, without further evidence as to the facts of which they complained. He thought it necessary to obtain from the clerk of the journal-office a copy of the first petition, with the signatures thereunto attached, and he had informed the complaining parties that, in order to justify him in bringing this question before the House as a breach of privilege, it would be necessary to investigate most minutely as to whether the signatures were authentic or not; and, further, that a declaration should be made before a magistrate of the offence complained of and that this declaration, with the copy of the forged signatures, should then be enclosed to him. After a considerable inquiry, Mr. Hudson, the vestry-clerk, a most respectable man, who had been acquainted with the parish about thirty-two years, and in whose veracity he had the most entire confidence, made the following declaration before a magistrate:—

“I, William Hudson, vestry-clerk of Epworth, in *Lincolnshire*, do declare that I have carefully examined the copy of the petition, with the signatures thereunto attached, which was presented to the House of Commons on the 9th May last, and purported to come from 213 of the rate-payers and inhabitants of the town of Epworth, praying for a repeal of the Corn-laws; and I have also personally waited upon all the *bonâ fide* inhabitants of the town



whose names appear attached to the said petition. I have ascertained that three of those signatures were never signed by those whose names they purport to be; that ten other persons stated they had never signed this petition, but had authorised a person to sign it for them, under the impression that it was for cheap tea and cheap sugar; and that there were 119 forged names to said petition. I make this declaration conscientiously believing it to be true."

He thought, without further comment, that he had made it sufficiently clear that it was the duty of the House to originate a very rigid and strict inquiry into this gross breach of privilege. The question they had to consider was, what course the House ought to adopt under the circumstances of the case. He did not pretend to be deeply read in the precedents of this House, but he would recommend the House to follow the course they had pursued in 1827, under precisely similar circumstances, respecting the presentation of a petition from Athlone complaining of the return of that borough. He begged leave, therefore, to move

"That the petition from Epworth, for repeal of the Corn-laws (presented 9th May), and the petition from Epworth complaining that the former petition was a forgery (presented 15th June), be referred to a select committee."

Sir George Strickland had made inquiries upon the subject, and had found that the statement made by the hon. Member was substantially correct. He had this morning received a letter which gave somewhat a different colour to the affair: it was from the secretary to the Anti Corn-law League at Doncaster, and although he did not know him, he had been informed that he was a highly respectable individual. The letter (from which the hon. Member read some passages) stated that the person employed at Epworth had been recommended to the League as an intelligent and respectable man, who stoutly denied the allegations made against him, and asserted that not a few of the signatures were obtained on condition that the names were not shown to other parties. Mr. Milner had been down to Epworth last week, and found that there was not the least chance of obtaining the truth from any of the subscribers—so absolute was the bondage in which the bold peasantry were kept: they might as well set fire to their houses as acknowledge the fact of what had been

said in Parliament. The writer went on to say, that he was at a loss as to the motive by which the person sent to Epworth had been actuated; he was no party man, nor was he a member of any Anti Corn-law Society; he had moreover been cautioned on the subject of improper signatures, and was not paid by his success in procuring them, but by the time it occupied. It was difficult to say how a person, residing seventeen miles from Epworth, could go there, and in a single day, forge 119 names. The writer concluded by stating, that the Doncaster League had no wish to screen the guilty party, and that the members of it were not to blame in the transaction, as they always used every caution in their power. Hence, it appeared, that if an investigation were instituted, a different aspect might be given to the business, and if the House thought the question deserved further inquiry, he would willingly support the appointment of a select committee.

The question agreed to.

THE KING OF HANOVER.] Mr. Blewitt rose to submit a question to the Attorney-general upon some important constitutional points. His Majesty the King of Hanover had lately arrived in London, and had taken his seat in the House of Lords as Duke of Cumberland; his position was thus extraordinary; he was a British-born subject, owing therefore allegiance to the Queen; he was also a peer of Parliament, a member of the privy council, a field marshal, and an independent, or, as some might say, a despotic sovereign. It seemed impossible that any person could reconcile the conflicting duties thus imposed upon the same individual; the King of Hanover claimed the right of taking part in our legislative proceedings; and, as a privy councillor, he was able to obtrude himself into the secrets of the executive government. As a field marshal, he would have a right to lead our armies, even though this country should be at war with the kingdom of which he was monarch [*Laughter.*]. Gentlemen opposite might well laugh at the absurdity of the anomaly he was bringing before the House. The King of Hanover, in his own dominions, might declare war, make peace, or enter into treaties. Upon the subject of allegiance, he begged leave to read what was said by that great constitutional lawyer, Blackstone—

"The peers of the realm are by their birth hereditary counsellors of the crown, and may be called together by the king to impart their advice in all matters of importance to the realm, either in time of Parliament, or, which hath been their principal use, when there is no Parliament in being. Accordingly Bracton, speaking of the nobility of his time, says they might properly be called '*consules, a consulendo: reges enim tales sibi associant ad consulendum.*' And in our law books it is laid down that peers are created for two reasons: 1. *Ad consulendum.* 2. *Ad defendendum, regem:* on which account the law gives them certain great and high privileges, such as freedom from arrests, &c., even when no Parliament is sitting; because it intends that they are always assisting the king with their counsels for the commonwealth, or keeping the realm in safety by their prowess and valour."

In another part of his work, the same eminent judge stated that it was a contempt of the king's prerogative, and a high misdemeanour, for a British-born subject to prefer the interests of a foreign potentate to those of his own sovereign. Looking at the duties of a peer of Parliament, and at those of a privy councillor, what did Blackstone say upon that point:—

"An Englishman who removes to France, or to China, owes the same allegiance to the King of England there as at home, and twenty years hence as well as now. For it is a principle of universal law, that the natural-born subject of one prince cannot, by any act of his own, no, not by swearing allegiance to another, put off or discharge his natural allegiance to the former."

He asked the House whether all these duties could be reconciled in the same individual? He remembered soon after the King of Hanover came to his crown, reading in a newspaper that the Duke of Wellington had been offered by the King of Hanover the custody of his proxy in the House of Lords, but that the Duke, seeing the anomalous position of the King, refused to accept it. He, therefore, rose to put a question on the subject most respectfully to the highest legal authority in the House, and the constitutional prosecutor of all public delinquents.

The *Attorney-general* was sorry that such a matter had been brought under the notice of the House. With reference to the nature of the question, and with reference to the illustrious individual to whom it related, he must say, that he thought he should be setting a bad example, which might be drawn into a very

mischievous precedent, if he were to offer any reply. He apprehended that he should discharge his duty much better by remaining silent.

THE FACTORIES BILL.] On the order for the committal of the Factories Bill being read,

Lord Ashley said, although he deeply regretted the loss of the educational clauses, he, for the sake of the rest of the bill, approved of the resolution the Government had come to. Even had it been possible for the Government to have carried the measure in that House, he did not think it would have met with that cordial sympathy and co-operation from the different classes affected by it, without which it could not have been effectually carried out. It should be borne in mind, that the Church, with a view to conciliation, were ready to make the very largest concessions, larger certainly than it had ever made before, but concessions made in the hope of conciliation and peace. But when the Church found that the terms which it proposed, so far from leading to conciliation and peace, only led to greater disunion and almost to effectual war, it had no alternative but to stop, at all events, at the point to which it had already advanced. Somewhere or other, however, a very great and deep responsibility did lie; it was not for him to point out who were the parties really responsible for the position at which they had now arrived. He certainly must say that the Government had shown their readiness to act. He saw the Church prepared to make concessions for the sake of conciliation and peace, and on the other hand he saw the great body of Dissenters rejoicing that they had been successful in their efforts to defeat the measure. Wherever the fault lay one thing was quite clear—that the really suffering parties were the vast body of neglected children, who, as present appearances went, were now consigned to an eternity of ignorance. While he deplored the result to which the measure had come, he must be allowed to express his satisfaction at the manner in which it had been received and entertained in the first instance, and at the absence of all violence with which it had been received by the Dissenters in that House. That reception did certainly afford some ground for hoping that hereafter something might effectually be done to arrest the further progress of vice, ignorance, and immorality in the country by means of



some system of education. At present, however, it appeared that if united education were to become hereafter possible, the question was at present involved in the greatest difficulty, and it was one that had already produced the greatest agitation in the country. He for one, therefore, was prepared to say that unless a very mighty change should take place in the mutual temper of both parties, he would never be a party to any system, the object of which was, by mutual concession, to bring antagonist parties to act together in the same general plan. Once more, he desired to express his gratitude for the manner in which the proposition had been first received, and since entertained, and also to state his cordial hope and prayer that the time was not far distant when some means might be discovered whereby the men and women of this country in future generations might be put into that state which would fit them to be good subjects, and above all, Christians, and extend to them the fruits of a religious education, by preparing them to share in a blessed immortality.

Mr. *M. Gibson* could not understand how it was that the noble Lord used the word "concession," as regarded the conduct of the Church with respect to the education clauses of the Factory Bill. He protested against the use of that word, "concession." He could tell the noble Lord that it was because the framers of that measure had proceeded on the doctrine that there was some recognised superiority in Churchmen—some sort of divine right in them to trample on the religious liberty of the Dissenters, and to take the money of the Dissenters to teach the tenets of the Church of England;—it was because they persisted in recognising this sort of superiority that they had failed in accomplishing the object of a general system of education. Proceed on the real principle of religious freedom; let men be treated not with reference to their theological opinions, but simply as citizens of a free country, having the right to worship their God in their own way, freely according to their own conscience—adopt this as the principle of legislation and it would not fail. But, in fact, the noble Lord's remark about the concessions, as he called them, of the Church having failed, only amounted to an admission that the Church had not conceded enough. Treat all sects in the spirit of justice, and there would be no fear for the accomplish-

ment of the benevolent object in view. If the Ministerial plan had been carried, it must be admitted that it was a very partial and pitiful proposal, considering the great amount of destitution with regard to religious education that prevailed in the manufacturing districts. It was admitted by all parties that the measure now abandoned would not have led to the education of a single child in the large city of Glasgow, and of not many more in the manufacturing districts in England, than were educated now, for it was only intended to apply to cotton, flax, silk, and woollen factories; and it left the children in mines and collieries, and in many other employments, wholly unprovided with education. The small amount of education that would have been afforded by the measure was one reason for not so much regretting its rejection. It was a plan that could not have effected much good, but which was certain, to have done much harm.

Sir *R. Inglis* would not follow so bad an example as to defend the clauses that had been withdrawn even from the rather violent attack of the hon. Member for Manchester. At the same time, he did claim on behalf of the great body of the uneducated people of England some such sympathy in act as the House manifested in feeling when his noble Friend (Lord Ashley), in that very remarkable speech of his at an early period of the Session, called on them to consider the destitute spiritual state of those who were Christians in name only—of those who were, as he had himself said, and he believed the statement was not an exaggeration, almost compelled to be heathens. He, therefore, urged her Majesty's Government not to abandon the general subject of education, and not to consider that they had discharged their duty in having submitted to the House, and circulated through the country that proposition, the fate of which was now sealed. Had the Government taken a more decided tone as to the nature of the education to be given, they would certainly have met with a more cordial support from one great class of the community—while they could not have experienced any more virulent opposition from others. Trusting, however, as he did, that the Government, even this Session, but at all events the next, would provide some means for the education of the people, he would abstain from saying one word that could provoke discussion as to

those particular clauses of the bill that had now been abandoned.

Mr. *Hindley* hoped the example of the hon. Baronet who had last spoken would be adopted, and that all points which could excite acrimony would be waved. He had presented 2,000 petitions against the bill, and he begged, personally, to tender his thanks to the right hon. Baronet at the head of the Government for abandoning it, and for having acted up to the spirit of the declaration he made to a deputation that waited upon him, when he said that this was a question that could not and ought not to be decided by a mere majority of that House. On the part of those petitioners he tendered his respectful thanks to the Government for not having pushed the measure as they might have done. At the same time, he hoped that the objections that had been urged against this particular measure would not be supposed to be applied to any general plan of education. The Dissenters were as desirous as Churchmen could be to have a national education for the improvement of the minds of the people. Much had been said of the ignorance prevailing in the manufacturing districts, but the same kind of ignorance prevailed in the agricultural districts. It was only on Saturday that, having been up with a late debate the night before, he took a short excursion into the country, and went into an agricultural district. There he met two children. They had been two years at the national school, and he asked them to spell "Time." One of them deliberately answered "Smite." That was the way the child spelt the word "Time," after having been two years at the school. He asked the other whether he had learned his catechism. The child answered "Yes." On being asked, "What is your name?" the child gave its surname; and to the question, "Who gave you that name?" it answered, "My godfathers and godmothers at my baptism." Thus there were faults on both sides; and he did not think they ought to cast stones at each other. He did hope that next Session some scheme for national education, without any reference to the Established Church, would be really promoted. He quite agreed with his hon. Friend (Mr. Gibson) that the Ministers had abandoned nothing, but, on the contrary, had assumed a great deal, and he did hope the next Session they would take a course very different

from that which they had adopted on the late occasion.

Sir *G. Grey* was desirous of expressing his satisfaction at the withdrawal of the education clauses, at the same time he should regret if it went forth to the public that the Government were considered by the failure of this scheme absolved from further responsibility on the subject of national education. He should regret if they were to fall back upon the former system, and on the paltry sum of 20,000*l.* a-year, applied on the principle hitherto adopted. Combined education was evidently difficult to accomplish in the present temper of men's minds—nay, almost impossible; but that in his mind was only another reason why it was incumbent on the House and the Government to extend the means voted by Parliament for the improvement of schools generally. He wished, therefore, that the right hon. Baronet the Home Secretary would notwithstanding that the noble Lord the Member for London was not present, answer the question of which the noble Lord had given notice on Friday as to whether it were the intention of the Government to propose any further measure for the promotion of national education? The immediate proposal of any system of combined education he should regret, because most probably that system would either be based on the principle always maintained by the hon. Baronet the Member for the University of Oxford, or on other principles; which, as excluding religious instruction altogether, would be most unsatisfactory to a very large and influential portion of the population of this country. In such a state of things as now existed the proper course would be to increase the amount of the Parliamentary grant for education, and to widen the channels of its distribution. After what had been said of the violence of the opposition offered by the Dissenters out of doors, he could not help remarking, that a great portion of the opposition which was so much deprecated had been owing to the exclusive opinions and principles of the clergy and the members of the Church of England which had excited alarm, suspicion, and jealousy, not only among the Dissenters, but also among many of the most faithful and attached friends of the Church of England.

Mr. *Colquhoun* thought that amidst the

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general suspicion and jealousy that existed the best course was to increase the grant of Parliament for national education, because then a sound education would be provided according to the respective creeds of the parties, and there would then be some prospect of putting an end to the enormous evil of ignorance and consequent demoralization which now existed in different parts of the country.

Mr. *Wyse* thought the country was obliged to the right hon. Baronet for attracting attention to the necessity for education, to the inadequacy of existing systems, and the responsibility on the Government and the Legislature to provide a remedy. More progress had in this way been made in one year than in ten years previously; but he trusted that the Government would not stop here, but would propose not such a measure as the recent one, which had offended the religious feelings of large parties, but a practical system more fitted than the lately proposed one to secure a good secular education. When they proposed another system, he trusted it would be more large and comprehensive. He hoped, too, that many of the restrictions that were now opposed to the general distribution of the Parliamentary grant—restrictions that operated to prevent the increase of demands for its aid—would be removed. If those restrictions were removed, the right hon. Gentleman would soon find increased demands, and then the condition would be fulfilled on which he promised to come down and move an augmentation of the grant. He would be glad to know whether there would be any modifications of the orders of the Privy Council in this respect? His remarks applied not merely to the Roman Catholic schools, but also to those of other sects.

Sir *J. Graham*, in compliance with the wish of the right hon. Baronet the Member for Devonport, would answer the question that had been announced by the noble Lord the Member for London. As he understood the question, it was this:—the Government having, on Friday last, deliberately withdrawn a measure on which they had bestowed the greatest care and attention, which was intended, if possible, to introduce a general system of education, and having so withdrawn that measure in compliance with the general sense of the House—whether they were, on the Monday following, prepared to announce, that

they were ready to endeavour to frame another scheme based upon the same principle as that which had been withdrawn? He would at once declare that he was not prepared on the part of the Government to make any such statement. The noble Lord also asked whether, in the event of the Government not taking up the subject, it would be open to any individual Member to do so? His answer was, that that course was quite open either to the noble Lord or to any other Member; he would not on the part of the Government offer any opposition to such an attempt. He agreed with the right hon. Baronet the Member for Devonport, that in the present state of public opinion on the subject, the attempt to renew the measure now withdrawn on a similar principle would, if not impracticable, at least be met with difficulties almost insuperable. He had also been asked whether the Government, despairing of success in the line they lately moved in, and which they had abandoned, would treat the question of education as hopeless, and do nothing at all with reference to it? He was not prepared to do any such thing. He thought it would be most improper in the Government to do so; and he could state, that it was their intention to avail themselves of their experience of what had occurred already, and wait to see what would be the effect of individual exertions. Those individual exertions were aided from the sum voted by Parliament, and if the exertions increased it would be right that the sum should be increased also. He could assure the House that it would to the Government be a most pleasing duty to have to come down and make a proposition to that effect. The hon. Member for Waterford had also called on the Government to extend the principle of distribution as laid down by the orders in Council. Those orders in Council had been framed with great care and caution, and certainly he was not prepared to announce on the part of the Government any hasty determination to alter them. There was one point which, in justice, he must state to the House—that in framing the education clauses it had been his duty to communicate with the heads of the Established Church, and he was happy to say that the result of that conference convinced him that there was a deep and sincere desire on the part of the prelates of that Church to do their very utmost in the shape of mutual accommodation to remove any obstacles

that might obstruct the concurrence of Protestant Dissenters in the arrangement of the Government scheme. It was impossible to have met with a more anxious desire to promote the object which Government had in view, and he felt he should have been wanting in his duty if he had not stated that this disposition on the part of the Church was most sincere, and marked in the strongest manner.

Mr. S. Wortley suggested that it might be of considerable advantage if, instead of postponing a grant from the Committee of Privy Council until they received applications which rendered it necessary, the Government proposed to Parliament at once to make some addition to the vote (30,000*l.*); which in this great country was all they dedicated to the purposes of national education. He did not believe that the House would consider a proposal to increase the grant at all unreasonable; and if proper provision were made at once the Committee of the Privy Council would be enabled to act with greater liberality, and it would probably give rise to applications where assistance was greatly needed, but which were not now made, owing to the restricted amount of funds placed at their disposal. He would also venture to add the expression of his concurrence in the course which the Government had taken with respect to this bill.

Bill went through committee, and with amendments, was ordered to be reprinted.

ARMS (IRELAND) BILL—ADJOURNED DEBATE (THIRD DAY).] The Order of the Day for the resumption of the debate on going into committee on the Arms (Ireland) Bill having been read,

Mr. Gisborne said, when this bill was last before the House it attracted little attention or opposition from hon. Members; for himself he was not aware till the present Session of its particular provisions, and, if he had voted for it on a former occasion, it would still be his duty to consider it now as a subject of much more importance, being submitted in the present state of Ireland. He had listened attentively to the debate, and the first argument he had heard used in its favour was, that it had been the existing law in Ireland for fifty years: and the second argument, that crimes of violence prevailed to such an extent, and so much more than in other parts of the empire, that it was necessary to have a peculiar law for Ireland.

To the first argument it had been well answered that, although the law had existed for fifty years, yet it was only passed from time to time—that the Legislature on each re-enactment, when the law had expired, considered it in reference to the peculiar state of Ireland. It was therefore necessary that every one who proposed a renewal of the law should state what was the necessity; and the noble Lord the Secretary for Ireland, who had introduced the bill, had admitted that necessity. Now, the only circumstance which the noble Lord had adduced in favour of the bill was an appeal to the state of crime and of violence in Ireland. It had been contended on the one side that this sort of crime was increasing, and on the other side that it was decreasing. He denied that there had been any evidence adduced to show that crimes of violence had prevailed the less in consequence of the parties not having access to arms. Now, either these crimes of violence had increased, or they had decreased. If they had increased, then this bill, which had been in operation for fifty years, had been futile; if they had decreased, there was no necessity to extend the powers of the executive beyond the constitution. For himself, however, he thought that no case had been made out for this bill. It was brought forward entirely on social, and not on political grounds. Now he could conceive a case in which, on political grounds, a bill might be brought forward by the government of Ireland in such a manner as to render it difficult for any Member of the House, although differing from the Government, to oppose the bill. The Government might be in possession of information which it could not produce to the House, and which might render such a bill necessary. If the Government had shown anything like a necessity, he should have felt it his duty not to offer any opposition. He had fully anticipated that such a state of affairs would be declared likely to arise as would show the necessity for the renewal, and he was surprised that no evidence had been adduced and no statement made. If such a state of things had arisen as required such a bill, he would not have come down to weaken the powers of the Government by opposing it; as it was, believing that the debates on such an exciting subject as the Arms Bill were likely to do mischief, he thought it would have been better if the Government



had allowed the bill to expire, than to have produced these discussions. The noble Lord frankly admitted their mischief. The speech of the right hon. Baronet at the head of the Government was extremely wise and discreet, and he wished he could say the same of the speeches of other ministers. He certainly thought that the debate had taken a fresh character from the time the right hon. Baronet (Sir James Graham) had taken part in it. He (Mr. Gisborne) was bound to say at once that the remarks made by the right hon. Baronet as to the Catholic gentry and prelates made an impression on his mind which was perfectly consistent with the explanation which the right hon. Gentleman afterwards made. The right hon. Gentleman undoubtedly implied that they had deceived themselves, and not that they practised deception on those who had assisted them; but the whole speech impressed him with an unfavourable character, and the right hon. Gentleman seemed to regret that he had ever been misled into granting Catholic emancipation. The tendency of the right hon. Gentleman's remarks was, that he had been deceived when he promoted that measure, that he had believed it would have produced peace, and that he had been disappointed. His speech appeared to convey regret that he had ever supported Catholic emancipation; he seemed to hold out this doctrine, "we have done everything we can by way of conciliation and concession, these parties are not to be dealt with on such terms, we cannot meet them on equal terms, and there is nothing left to us but to introduce an Arms Bill;" and he must say that coming from the Secretary of State for the Home Department, he could not conceive a more unfortunate class of remarks. He had heard hon. Gentlemen who had sat on the other side of the House for a longer time than the right hon. Baronet claim some credit for independence, and for an effort of mind in coming to the support of the Catholic claims; but the right hon. Baronet seemed to forget that he was a Whig when he supported the Catholic claims; that by so doing he was supporting his party, and he could not think that it required much effort on the right hon. Baronet's part to give that support. The right hon. Gentleman took great exception to the observations of the hon. Member for Sheffield, and the hon. and learned Member for

Bath, with reference to the Irish Church, and said that it was unworthy of a statesman or of a Member of Parliament to introduce such exciting topics in an incidental manner to the House. He would like to know how far that objection was to be carried? A few years ago Parliamentary reform was an exciting topic; the Government of that day had such an objection to it that they let loose an undisciplined yeomanry on an unarmed meeting met to petition for it. Lord Sidmouth gave a relative of his a valuable piece of preferment for having let loose the sabres and guns of the yeomanry, but the Government did not attempt to interdict the discussion in that House. If rotten boroughs were to be discussed, why not a rotten Church? The Irish Church was as great an anomaly as rotten boroughs. The right hon. Gentleman appealed to the noble Lord (Lord John Russell) whether he would bring in any measure to do away with the Irish Church, and the noble Lord's answer was, that he was not prepared for the total destruction of the Irish Church, and the noble Lord gave reasons which, no doubt, appeared very satisfactory to his own mind, but which appeared to him to be rather feeble. The noble Lord admitted that the Irish Church could not be defended on the ground of reason, of justice, or of precedent, and that it was totally anomalous. Still he would not consent to destroy it, because he thought its destruction might endanger the existence of establishments in general. Now, the only ground on which he supported the Church of England, was not because he believed in the benefit of this establishment for the promotion of religion, but because it was intimately entwined with the domestic, the religious, and the social relations of the great bulk of the people, and could not be destroyed without producing convulsions which all men must deplore; but if he were told that to maintain the English Church they must maintain another church which its advocates admitted could not be defended by reason or justice, and which was totally anomalous, then he thought that support of the English Church was very extraordinary. The right hon. Baronet, however, almost stopped the mouths of those opposed to him by declaring that the subjects of the Irish Church, and of the fixity of tenure, ought not to be brought before that House. The spirit introduced into

the debate by the right hon. Gentleman had not been allayed by the speech of the noble Lord his Colleague. The noble Lord put it to the Opposition to say whether they objected to the executive act of the Government, or to their appointments with regard to Ireland. The noble Lord said,

"If you object to our executive acts, tell us which they are; if you object to our official appointments, let us know who you dislike."

It was not very pleasant in personal matters to be called upon in this way, but he would not shrink from pointing out what he blamed, either with respect to the executive acts or the appointments. The principal executive act to which he objected was the dismissal of the magistrates, and he admitted that the late Government was much too free in using the same power; but he was sure that they never put forward such indefensible grounds as the present Lord Chancellor, who said that he dismissed the magistrates because the right hon. Gentleman at the head of the Government had come down to the House, and said that he had advised her Majesty to say that she would maintain the union at all hazards. Therefore one of the Irish Members, who had a right in that House to introduce a motion for the Repeal, if he attended a meeting out of doors for the object of petitioning the House for it, would do so under the penalty of being dismissed from the commission of the peace. He (Mr. Gisborne) would like to know whether this would stop here. The right hon. Gentleman the Secretary of State for the Home Department thought that the Irish Church should be maintained at all hazards, and his Colleagues near him might advise her Majesty to declare that she would maintain it at all hazards. If that were the case, were they who thought that the Irish Church should be put down to take no steps to promote their views, except under the hazard of being dismissed from the magistracy? He conceived this to be the most unconstitutional doctrine he had ever heard, and he rather thought that the Irish Chancellor thought so too; because, in a recent letter, he had laid down more plausible reasons for what he had done. He would now offer a few observations upon the subject of the appointments which had been made by the present Government; the noble Lord opposite (Lord Stanley) had said, that if any objection was entertained, its particulars should be

announced. The two individuals to whom he should refer were persons whose character was of the highest order, and with both of whom he had sat in that House—he meant Mr. Justice Jackson and Mr. Baron Lefroy. But, at the same time, he must say, with respect to both of them that during the time they had sat in that House, they had appeared to him to possess a degree of bigotry—an apparent impossibility of looking at more than one side of a subject where the condition of Ireland was concerned—which made him think that their appointment to the judicial bench was impolitic in the extreme. There was another Gentleman who now sat in that House, he meant the right hon. Gentleman opposite (Mr. Shaw), to whose appointment he would also refer. Giving that right hon. Gentleman the fullest credit for the highest degree of honour and probity, he must say that if he were an Irish priest, or bishop, and had had a legal difference with some dignitary of the Protestant Church, the right hon. Gentleman was not exactly the judge to which he should like to submit his case for decision. The noble Lord would understand his meaning when he said, that he thought the appointments of these three gentlemen, in the state of feeling which prevailed in Ireland, were highly impolitic. Ireland must now see that she had nothing to expect from this country but coercion. Her coast was in a condition of blockade—she was, in every respect treated as a hostile country; and these circumstances, coupled with the declaration of one of her Majesty's Cabinet Ministers, that the civil rights which she enjoyed were equal to those possessed by the British people, were sufficient to teach the people of that land that they had nothing to hope for from the present Government.

Mr. Colquhoun said, the simple question was, whether it were not necessary to adopt this bill for the defence of persons, who would not be safe without such a measure? He was sure that any one who calmly contemplated the state of Ireland must see that no Government would be justified in withholding from the magistracy of Ireland the powers which were given to them by this bill. If they referred to the reports of committees on the question of tithes and other subjects during the last twenty years, they would find that the Irish people had evinced a strong antipathy to the law; that it was



almost impossible to procure evidence or to induce persons to become prosecutors. He might be allowed to mention a case which occurred only last year, and which illustrated in a remarkable manner the condition of the country. A gentleman named Hall, of liberal politics, was shot in broad daylight, in the county of Tipperary. Several persons were placed on their trial for the murder; and out of twelve jurors, eleven agreed to acquit the prisoners, the twelfth, a Protestant, being opposed to such a verdict. A new trial was the result; and the jury on that occasion brought in a verdict of "guilty" against one of the prisoners, who suffered the extreme penalty of the law. But what were the consequences to the parties who had endeavoured to forward the ends of justice? The stipendiary magistrate of the district, who had displayed great activity in procuring evidence, was compelled—from the personal peril which he incurred—to exchange his appointment for one in a different part of the country. The Protestant juror, who on the first trial, refused to join his brother jurymen in pronouncing a verdict of acquittal, had since been appointed a chief constable in a distant part of Ireland, it being considered that his life was not safe if he remained in the neighbourhood where the offence was perpetrated. The witnesses who had given evidence were put in such peril that it had been found necessary, according to a suggestion thrown out in debate by the right hon. Member for Dungarvon (Mr. Sheil), to remove them by emigration. Her Majesty's Government had given 400*l.*, and the family of the murderer 500*l.*, to promote this purpose. Such being the condition of the country the assertion of the hon. and learned Member for Bath that the social state of Ireland was the same as in England was untenable. The right hon. Baronet (Sir J. Graham) had stated the proportion of convictions to committals in Ireland to be 50 per cent., but after a minute calculation, he (Mr. Colquhoun) considered them to be only 47 per cent. In England they were 73 per cent. What were the sources of the present state of things? The bigotry of the gentlemen who had received judicial appointments, had been remarked upon by the hon. Member who had last spoken. He would not apply the same term to the class on which he was about to observe, but it could not be doubted, that the Catholic priesthood

were the most violent in their denunciation from the altar of all those who ventured to exert themselves in favour of their own religious principles in opposition to those of the Roman Catholic church, or who opposed the views and wishes of the Catholic hierarchy. The hon. and learned Member for Bath had suggested, that the priests should receive a stipend from the Government. Such a measure, however, would be totally useless, for whatever payment they received, they would still seek to retain their influence over the people—an influence which they did not hesitate to exert for political as well as other purposes. It was not, in his opinion, to Mr. O'Connell, able as he was, that the existing condition of Ireland was attributable, but rather that vast power which the hierarchy exercised over the peasantry of Ireland. It was a state of excitement which could be attributed to no two new acts—which had existed since 1832, although occasionally lulled to repose at the will of Mr. O'Connell and the priests. It might be assumed from the able speech of the noble Lord (the Member for the City of London) the other night, that he supposed that it was only for the Whigs to come back to power, and Ireland would be restored immediately to a state of tranquillity. It appeared, however, from the speeches of Mr. O'Connell, that popular hatred in Ireland was now directed as much against the Whigs as the Tories, and that they were now denounced as well as the Members of the present Government by the reproachful name of Saxon. The present Government had acted fairly towards Ireland, and with much forbearance as regarded the agitation which was going on in that country; but there were limits beyond which forbearance was dangerous, and when it was seen that there was an agitation in Ireland, disturbing the peace on all sides, preventing the employment of the people and the investment of capital—when the country was convulsed throughout its entire extent—not, as had been argued, for the purpose of petitioning Parliament, but by the exhibition of an organised force to compel compliance with a demand—not for the abolition of the Established Church, but for a measure which, on both sides of the House, was looked upon as a dismemberment of the empire, and which all admitted should be resisted at the hazard of a civil war—when such was the aspect which Ireland

presented it was high time that something should be done. It was a mistake to suppose that Ireland was divided into two classes, with Protestants on one side, and Roman Catholics on the other. A vast proportion of the Irish Roman Catholics, in the same manner as the English, were desirous that their priests should confine themselves to their spiritual functions, instead of marking men out as objects to the notice of their fellows. Numbers of Roman Catholics in Ireland, not having firmness of mind sufficient to resist, were obliged reluctantly to join in the system of organization, though they would prefer the peaceable pursuit of their daily labours and avocations. It was the duty of the House and the executive to provide for the peace of Ireland, but that could not be provided by the measure for dismembering the empire, against which the House had set its face. Let care, however, be taken, that the due punishment of the law should await upon crime, and let the organised agitation, which struck terror to the peaceable, be put down by the influence of opinion in that House, or by means more stringent, if such means should be necessary. The Government would neglect its duty, if, at the risk of any opposition, it refused to do put down that agitation.

Mr. W. Williams wished to know how the present bill would put down the agitation in Ireland. There was no proof given during the whole of the debate that it would even put down the class of crime against which it was ostensibly levelled. The existence of such crimes proved that the system upon which Ireland had been governed was bad, and that no steps had been taken to remove the grievances under which the people laboured, and which caused those crimes. There was not in any other country in Europe so much misery and destitution as in Ireland, and the existing discontent was the natural consequence. The two principal causes of discontent were the Established Church, and the relations between landlord and tenant, and until these matters were adjusted, there could be no peace in the country. The landlords did not fulfil their duties towards their tenants, and this was one great source of discontent. It was true, that there were some noble examples the other way, and these were principally to be found amongst the Members of the English aristocracy who pos-

sessed estates in Ireland. The management of Lady Dover's estate in Ireland, was excellent, and if all landlords managed their estates in the same benevolent manner, they would never hear of agitation in that country. The present Government had a great responsibility, in his opinion. It was in the power of the right hon. Baronet opposite to allay the present ferment in Ireland, by the adoption of measures which would give the people satisfaction without injury to any one; and if he neglected to adopt those measures, the evils in Ireland would go on increasing step by step, and in the end he saw no hope of maintaining the unity of the empire, either with advantage to England or Ireland. The object of the present bill was not the suppression of crime; it had other objects, and he doubted whether the Government would succeed in them. They had tried coercion long enough, and had found it a perfect failure—let them now try confidence.

Lord John Manners—The grandson of a Tory Lord Lieutenant, who was not unpopular in Ireland—I trust the Irish Members will pardon me, if I venture to express my opinions on the subject under debate, attended, as it undoubtedly is, with most grave difficulties, difficulties so great that they would induce me to support almost any measure of executive detail which the Government in a crisis like the present might propose, even were it not supported by so many precedents, as this Arms Bill is. I, Sir, like the hon. Member for Nottingham, and others who have spoken during the debate, am glad at the tone of most of the speeches which have been delivered, but beyond that my satisfaction cannot extend, for, except in the speeches of my hon. Friends, the Members for the counties of Londonderry and Northampton, I have heard no proposals likely to ameliorate the unhappy condition of Ireland, and the addresses of the noble Lord, the Secretary for the Colonies, and the right hon. the Home Secretary especially disappointed me in that respect; nothing could be more convincing than the noble Lord's exposure of the futility and emptiness of the scheme enunciated by the noble Lord the Member for London; some miserable petty plan of raising the social condition of the Roman Catholic Priesthood by granting them titles of honour; but the noble Lord stopped short at this; not so however the hon. and learned Member for Bath, who with a most undue faith



in the power of Mammon, and mistaking, as it seems to me, the character of that priesthood, proposed to buy them by the plunder of the Irish Church, which he denounced with all the malignant rhetoric of his eloquence, and described as the cause of all the miseries of Ireland. I believe, Sir, that the Roman Catholic priesthood are not to be turned from their settled purpose by any such unworthy means, and that there is great truth in an objection to this scheme which I remember seeing urged against a somewhat similar one proposed by Lord Alvanley in his able pamphlet; the objection was; first, that they would refuse on principle to be bought, secondly, that we on principle would refuse to buy them; did I require any confirmation of the truth of the first part of the objection, I should find it in the very last number of an influential Roman Catholic organ *The Tablet*. I find in that paper the following passage.

"The abolition of the Irish Church, as a single measure, would not we are firmly persuaded buy off ten votes from Repeal. If this Church were to live till Doomsday the people might feed, and they might worship God in peace and tranquillity, and fulfil the duties of their faith."

No Sir—I believe that the priesthood would refuse the offer, and I am sure that were it made in the tone and manner of the hon. and learned Member, no power on earth would induce them to accept it. The hon. Member who spoke last said with truth, that physical destitution was the great cause of disaffection in Ireland, and I hoped, therefore, that he was prepared to deny the proposition of the hon. and learned Member; but even he seemed to give in to it. I have stated, that I believe the Roman Catholic priests are actuated by higher and better motives than the hon. and learned Member would give them credit for, and I am not ashamed farther to own, that in my humble judgment, the hon. and learned Member for the County of Cork is doing what he believes to be right; and no destruction of the Irish Church will satisfy them or him. "Oh but," says the hon. and learned Member for Bath, "that Church is a badge of conquest, it's the Church of a conquering minority, and should therefore be destroyed." Now, whatever validity there may be in that argument, I think I can show the House that a reference to history must carry it's application farther than the hon. Member supposes; if there is one fact in Irish history more clear than another, it is that the Roman Catholic Church was not

the Church of the Irish people originally, that Church was for hundreds of years independent of Rome, and it was not till an English king conquered Ireland, that the supremacy of the Pope was acknowledged by it. This, Sir, is no curious opinion, tortured out of obscure records, but is a received fact stated in strong terms, among other historians, by Mr. O'Driscoll, a Roman Catholic himself—I believe Mr. O'Driscoll says,

"There is something very singular in the ecclesiastical history of Ireland. The Christian Church of that country, as founded by St. Patrick and his predecessors, existed for many ages free and unshackled. It had no connection with England, and differed upon points of importance with Rome. The first work of Henry 2nd, was to reduce the Church of Ireland into obedience to the Roman Pontiff. Accordingly he procured a council of the Irish clergy to be held at Cashel in 1172, and the combined influence and intrigues of Henry and the Pope prevailed. This council put an end to the ancient Church of Ireland, and submitted it to the yoke of Rome. From the days of St. Patrick to the Council of Cashel, was a bright and glorious career for Ireland. From the sitting of this council to our time, the lot of Ireland has been universal evil, and all her history a tale of woe."

I say, then, that if the argument of foreign conquest be good against the Irish, it is also good against the Roman Catholic Church; but it will be said that the decision of the Council of Cashel was the decision of the Irish Church, and that, therefore, from that time the supremacy of Rome has been rightfully established in Ireland; I am however prepared to contend that the Reformation was equally the work of the Irish Church, and ought therefore to be regarded as equally binding. All the Irish Bishops but two in Elizabeth's reign, nearly all the great Irish chiefs, the O'Connor, the O'Dunne, O'Donnel, O'Rourke, the O'Neil, all gave in their adhesion to the Reformation, and for thirty years there was but one Church in Ireland; so that beyond the futility of the hon. and learned Member's proposal I oppose it as unjust, and therefore not to be acted upon. At the same time, Sir, I fully acknowledge, and deeply deplore, that the Catholic spirit of the Irish was too soon and fatally overlaid by, what Carte calls, "a shoal of factious and irregular Puritans" brought out of Scotland, and the impress they stamped upon the Church was graven still more deeply by Oliver Cromwell and William 3rd, so that one can hardly be surprised that the Irish peasant should view with

mistrust and aversion a Church which has been so Anti-Catholic, in spite of such men, as Archbishop Marsh, and Bishops Bedell and Berkeley, in its general character. But, now when a change for the better is coming over the spirit of that Church, when, to use the words of one of her most attached sons, she is—

“Less Calvinistic, less fierce, more ready to own the Romish Church as a sister though a fallen one, more apt to pray for than to curse the Jerusalem of Christendom; when many of her clergy are ready to adopt towards their Roman Catholic brethren the language which Bishop Berkeley addressed to the Roman Catholic priesthood of his diocese, ‘I consider you as my countrymen, as fellow subjects, as professing belief in the same Christ. And I do most sincerely wish there were no other contest between us—but who shall most completely practise the precepts of Him, by whose name we are called, and whose disciples we all profess to be.’”

Now when the dreams, as they then appeared, of that virtuous Prelate, bid fair to be happily realized, and we may hope e'er long that the peasant of Munster and Connaught will be addressed by priests of that Church in his own beloved language, I say it is too much to hear the Irish Church denounced by the hon. and learned Member for Bath as “a rotten and corrupting sore.” No, Sir, I believe it is to that Church we must look for a return to peace and union in Ireland. Before I quit this subject, I cannot refrain from expressing my sincere and hearty hope, that e'er long the Government will be prepared to re-enter into diplomatic relations with the Court of Rome. I should urge the propriety of taking such a step were there no such country as Ireland in existence, or were it quiet as it, unfortunately, is disturbed; but in the present condition of that country, I look upon it as madness to continue such an absurd restriction. On what principle I should like to know do we refuse to acknowledge the sovereign of Rome? Is it on religious principle? [*“Hear,” from an hon. Member on the Ministerial side.*] What! We, who send an ambassador to Constantinople, who spend our wealth, and shed our blood to keep the Holy Sepulchre in the hands of infidels, are we on a religious principle to refuse to acknowledge a Prince whom millions of our fellow subjects look up to as the spiritual head of Christendom. Or will it be said that reasons of state policy render it necessary to retain these restrictions? I can easily understand why, during Elizabeth's reign,

when the cry at Rome was *Delenda est Anglia*, the constant answer from England was, no peace with Rome, and perhaps as long as a Stuart found an asylum in Italy, there might be some political cause assigned for still acting on that policy; but now, when those causes are removed, after we at the close of the late war by the valour of our troops, and the indomitable perseverance of our people restored the aged Pontiff to the Vatican, I am totally at a loss to imagine why these restrictions are persevered in. I agree, Sir, with the hon. Member for Coventry in thinking that physical distress is the real effective cause of the disquiet of Ireland, and I must express my disappointment that no hopes have been held out by her Majesty's Ministers for alleviating it, more especially as that country offers so many means of profitable employment for the people. Mr. Boyton in his remarkable evidence stated, if you want to find the real origin of Ireland's evils you are not to look to Popery, nor to democracy; you must go deeper and seek it in the destitution and agony of the people, and though I fear the House must be tired of Bishop Berkeley, I cannot refrain from quoting his striking language on this point.

“If the same gentle spirit of sloth did not soothe our squires as well as peasants, one would imagine there should be no idle hands among us. Alas! how many incentives to industry offer themselves in this island, crying aloud to the inhabitants for work. Roads to be repaired, rivers made navigable, fisheries on the coast, mines to be wrought, plantations to be raised, manufactures improved, and above all lands to be tilled, and sown with all sorts of grain.”

Of course, Sir, it is not for me to say how these most desirable objects should be carried into effect, but I think there can be little difference of opinion as to the facilities afforded for the cultivation of waste lands, and I have heard it suggested, and by high Irish authority, that a tax should be levied on absentees, and it's proceeds applied to this purpose; but, as I have already said, I will not enter into these questions of detail. Then, Sir, it is impossible for any one who has paid the slightest attention to Ireland, not to feel persuaded that the Poor-law system as it is attempted to be carried out, is a most effective cause of discontent, and I earnestly hope the Government will cease from endeavouring to alter by such a change as that Poor-law necessitates, the old manners and ancient feelings of a generous-hearted



people; I implore them to desist from striving to effect such a revolution. I implore them on the contrary to do all that in them lies, by accepting their traditional habits and ideas, by appealing to and governing by their unhesitating faith, and hereditary feudalism, to render that which is now at best but a Legislative Union, a real and cordial Union of a loyal, prosperous, and contented people.

Sir *W. Barron* cordially thanked the noble Lord for the spirit in which the observations he had just made were conceived. Such speeches on the part of Members of both Houses generally, would do far more to allay the agitation which now prevailed, than a hundred such measures as that now before them. Unfortunately, however, the tone prevalent on the other side of the House was far more calculated to increase than to allay that agitation. The speeches, for instance, of the right hon. Secretary for the Home Department, and of the noble Secretary for the Colonies, who spoke after him on Friday night, would do more to spread anger and dissatisfaction, to alienate the people of Ireland from this country, than any speeches that had ever been delivered in or out of the House—than any acts which had been committed in or out of the House. The imperial Government—the imperial Parliament—said the right hon. Baronet, had gone to the extreme verge of conciliation and concession. They had given to the people of Ireland emancipation, reform in Parliament, reform in municipal matters, reform in the Church, reform as to tithes—what more could the people of Ireland—what more could the Roman Catholic population of that country require? True, something had been done towards these various concessions; but in what manner had the concessions been made? Emancipation was granted; but those who granted it said they yielded it to their fears, and not to their sense of justice. They yielded it to the long-existing organization of the Irish people, thus affording to that people a lesson, that to obtain their rights, they must again resort to organization. Again, the Parliamentary reform accorded to the Irish people, was stinted and bare, in no respect equal to that which the people of England obtained: nay, the valuable franchise of forty-shilling freeholders, which the Irish before possessed, was taken from them, and at this moment there was not one man

registered in Ireland for ten men that were registered in England. The bill would not prevent the vicious from having arms; it would only prevent the well-disposed from having the means of defending themselves. He thought the statements of the number of crimes committed in Ireland made by the right hon. Gentleman, were garbled and incorrect, when the returns which he meant hereafter to move for were laid before the House, he would demonstrate completely that the right hon. Baronet had misinformed the House. According to those already on the Table, the number of crimes recorded in Ireland was, in the year 1840, 4,626; and he would compare these with the number of commitments in England, which was not exactly the same; but he had no other criterion, for the returns for the two countries were not made up on the same principle. The number of commitments then in England, in 1840, was 27,187, or more than five times as many as the crimes committed in Ireland. In 1841, the number of crimes committed in Ireland was 5,361—that was according to the returns on the Table of the House; and the number of commitments in England was, in the same year, 27,760, or nearly five times as many as the crimes in Ireland. In 1842—and there were no later returns—the number of crimes committed in Ireland was 6,541, and the number of persons committed in England, in that same year, was 31,309, showing that the number of crimes was five times as great in England as in Ireland, while the population was only double that of Ireland. These were not inventions of his: they were taken from returns on the Table of the House. At the same time it was true that the return of the persons committed in Ireland was the most fallacious that could be conceived. That had been proved before a committee of the House of Lords, and he would quote a portion of the evidence of Mr. Caher to show what was the nature of the returns made from Ireland. The hon. Member quoted the evidence to show that many indictments and commitments were recorded for one offence. There were as many as eighteen different indictments found for one offence. In consequence of that mode of making the returns, offences were apparently multiplied in Ireland far beyond their real number. By means of such returns the public were led astray, and when the re-

turns were correctly laid before the House he had no doubt that he should be able to prove that the statement of the right hon. Gentleman on Friday night was most exaggerated. There was one curious fact as to the Arms Bill, which had not been noticed. It had not been acted on in the majority of cases. In most parts of Ireland it was unknown. In his own county no person who kept arms was registered. In Tipperary, on the contrary, the most distracted county in Ireland, there were more arms registered than in the four counties adjoining. There were 1,677 persons with arms registered in Tipperary; in Sligo there were only fourteen, which was one of the most quiet districts in Ireland; in Leitrim, too, there were only four persons who had arms registered, and Leitrim was a quiet district. This showed that in the most disturbed counties the law was most stringently carried into effect. As to forges there was not one forge registered in Dublin, in Fermanagh, Leitrim, and several other counties. The Arms Bill, therefore, as regarded the register of forges, was a complete dead letter. It had not been generally carried into effect, and where it had, it had not prevented evil. Where it was least acted on, there the country was least disturbed. The right hon. Gentleman said, conciliation was exhausted. He said, that conciliation had not been attempted by the present Government. Lord Normanby, Lord Morpeth, and Lord Fortescue made attempts to conciliate, and the result was, he pledged his veracity for it, that crimes diminished and the confidence of the people in the Government increased. The people were aware that the late Government could not pass measures for the benefit of Ireland through parliament, and they also knew that that Government did not introduce several measures of conciliation, because it could not carry them, and the people knew that to introduce them would only have been injurious. The Arms Bill introduced by the late Government, as was reproachfully said, was not this Arms Bill, but one less stringent—one in which there were none of the provisions which were most objected to in this bill, and one which had been on the statute-book for forty-seven years. The government knew, too, that if they withdrew the bill, it would give a handle to their opponents, and therefore their supporters and the people of Ireland

acquiesced in the continuance of the bill. The representatives of Ireland having confidence in the Government, did not oppose the bill, which made a great difference in the circumstances of the case, then and now. At present there was a Government in Ireland in which no person of any party had the least confidence. It was supported by no party. All the Catholics were opposed to it, because the Government had had the misfortune, he would use no harsher term, to appoint men to high offices who were most objectionable to the Irish population. The instant the present Government came into office it removed twelve stipendiary magistrates, alleging, which was strong evidence against themselves, that the peace of the country did not require them; then and ever since, the Government had been appointing new magistrates. The judges appointed were most objectionable, and were the more dangerous because they were estimable private characters, while they had always taken a most active part in opposing the claims and rights of the Catholics. The Government had selected all the dignitaries of the Church from the opponents of the system of education. Magistrates and assistant-barristers to the number of one hundred, had been also appointed who were hostile to the people. There was not one Cabinet Minister a representative of the Catholic population, or in any way connected with the Catholics. The Cabinet then was entirely hostile to the 8,000,000 of Catholics in Ireland. At least two or three Irishmen ought to be members of the Cabinet. The Lord-lieutenant, the heads of excise, the heads of the police, the Archbishop of Dublin, all the heads of departments, were Englishmen and Scotchmen, and supplied causes of discontent besides the question of the Church. At the same time the grant for public works had been diminished. All reforms for Ireland had been stunted, and there was a total neglect of all attempts to ameliorate the condition of the people or give them employment. The great evil was not the Protestant Church. He maintained that; but the great grievance was, as the noble Lord said (Lord J. Manners), the destitution of the people—that must be remedied. It would not do to frighten the people of England with stories of the Irish wishing to destroy the property of the Church. Something else besides that must be done to reconcile the



Irish to the Government of England. The Ministers deceived themselves in supposing that this bill was either desired by any party in Ireland, or that it would allay the excitement or prevent disturbance. The noble Lord, the Member for Lancashire, one of her Majesty's Secretaries of State, had said, that the wealth, the intelligence, and property of the country were with the Government; and the noble Lord asked, were they to be governed by the masses, instead of by the wealth, intelligence, and property of the country? He denied that the majority of the wealth, intelligence, and property of the country were in favour of the present Government, and he was sure the masses were against it. How, he asked, was the fact to be ascertained? Where were they to look for the wealth, intelligence, and property of the country? He thought, that the metropolis possessed a large share of the wealth, intelligence, and property of the country, and out of the sixteen Members it sent to Parliament how many were for the Government? There were thirteen against it, and three in its favour; that was then a majority against the Government of four to one. That was the case with London, and London was a fair criterion of the wealth, intelligence, and property of the whole empire. He would go next to the large towns of England, and put Ireland out of the question. Manchester was a large place, it had a rich population, and he believed it had a most intelligent population. How many of the representatives of Manchester supported the Government? Not one. Of Birmingham he could say the same. Neither of the Members for Birmingham, the population of which was most intelligent, supported the Ministers. The Gentlemen opposite might appeal to Liverpool. His answer was, that the Members were returned by the old freemen. At Bristol there was much of the same leaven left; but Bristol returned one for one. So he might refer to Edinburgh and to Glasgow, both of which were places of great intelligence and wealth. The Gentlemen opposite, it was true, had had the landed interest with them. He admitted that, at the last election, the counties were almost unanimous in their favour; but were they so now? Let Penenden-heath, Bedford, and several other places, answer. Would the Gentlemen opposite try the counties now? He contended, that the

opposition had the wealth and intelligence with them, and now they would fight for the property. Yes, fight constitutionally, by a dissolution of Parliament, to ascertain on which side was the property of the country. He challenged the Gentlemen on the Ministerial side to that constitutional battle; but he was assured, that the Gentlemen opposite would not like to try. Away, then, with the vaunt—the empty boast—that the intelligence, the property, the wealth of the empire were unanimously in favour of the Ministers, and against the people of Ireland. In Ireland the Ministers had the people unanimously against them. There were a few Orangemen indeed; but even they were doubtful, and the scale of their attachment was not duly balanced. But supposing that the numbers were supported by the intelligence, wealth, and property of the country, would they risk their reputation, would they engage in a civil contest on the principle, that the Government was established not for the benefit of the many, but the few? Would they now dare to state in a British House of Commons, that this was the principle of the British Government? But he could tell the noble Lord (Lord Stanley), and he could tell some of the right hon. Gentlemen opposite, that they must take some account of the masses. He could tell the noble Lord, and he would tell the right hon. Gentleman (Sir James Graham), that the time was not distant when they did make some account of the masses, when they were carried into power, and were retained in power by the masses; and that to please the masses they were not backward in crying aloud to swamp the Lords. There had been periods of excitement in other times, and other Gentlemen besides those who now encouraged agitation had taken part in it. He knew, that at a meeting which had been held during the time of the reform of Parliament the noble Lord had denounced the Duke of Wellington as a madman and a fool. He knew that, and he defied contradiction. When he found the noble Lord now making such boasts, he had a right to tell the truth—the whole truth. He had a right to make this statement, and he should shrink from his duty if he did not make it. What did the statement, that he had made prove? That those who had once encouraged agitation, and now thought proper to come before Parlia-

ment with their Arms Bill, and with measures to coerce Ireland, had not succeeded in their Government. They had failed in their plan of governing Ireland, and now they meant to try coercion. That was the meaning of the language of the right hon. Gentleman, if it meant anything. There was to be no conciliation, they were to unsheath the sword. Yes, coercion was now the order of the day. The Ministers had failed, as they said, by concession, he said they had not failed by concession, for they had not tried concession. They had not even made an attempt to conciliate the people—they had never thought of showing the people that they were not treated as aliens in whom the Government could place no confidence, and for whom they had no sympathy. That treatment would no longer do, for the Roman Catholics had now a perfect equality of civil rights. Yes, a perfect equality of civil rights with the Protestants of the empire: but they must now be shown, that they had this equality in reality as well as nominally. They must no longer be treated as aliens; they must be confided in, and it must be shown, that confidence was placed in them. They must be treated as loyal subjects; and more loyal subjects, men more attached to their Sovereign than the people of Ireland were attached to the Queen, did not exist in the world.

Mr. *Hardy* said, the hon. Baronet had talked much of the unpopularity of her Majesty's Government in Ireland, but he had failed to give any reason for it; because, although he had spoken of their judicial, magisterial, and clerical appointments, he had not proved that any of them were improper, or that the parties were incompetent, or had been guilty of any impropriety in the discharge of their duties. The strain of the hon. Baronet reminded him of a similar attack upon a former Ministry, in reply to which Mr. *Sheridan* observed, that nothing definite could be obtained from the assailant, that he seemed to be influenced only by the feeling described in the hackneyed lines beginning "I do not like thee Dr. Fell," &c. If the hon. Baronet wanted a justification of this measure, could he not find it in the excitement and the assassinations, murders, and frequent offences against life and property, which were more prevalent there than in any other country professing to be civilized? When the Ludd-

ites committed their enormities in Yorkshire, did the hon. Baronet suppose that any right-minded Yorkshireman would have objected to a similar measure? The hon. Gentleman complained of inequality of rights. Why, in Yorkshire and Lancashire there was a law in force, and which was about in due course to be re-enacted, under which, in consequence of the difficulty of identifying embezzled cotton and wool, any person's house might be entered and searched, and the materials seized; and not only that, but the person would be compelled to go before a magistrate and prove that he became honestly possessed of the property. Now that was a complete subversion of the law of England; but the honest Yorkshireman would not find this to be a hardship. He begged to remind the House of the pastoral address of the archbishops and bishops of the Roman Catholic Church in Ireland of the 9th of February, 1830, which contained the following passage:—

"The great boon became the more acceptable to this country because, among the counsellors of his Majesty there appeared conspicuous the most distinguished of Ireland's own sons—a hero and a legislator—a man selected by the Almighty to break the rod which had scourged Europe—a man raised up by Providence to confirm thrones, to re-establish altars, to direct the councils of England at a crisis most difficult, and to staunch the blood and heal the wounds of the country which gave him birth. An enlightened and wise Parliament perfected what the Sovereign and his councilors commenced, and already the effects of their wisdom and justice are visible, and duly appreciated by all the wise and good. The storm which almost wrecked the country has subsided, whilst social order, with peace and justice in her train, prepares to establish her sway in this long distracted country. And is not the King, beloved brethren, whom by the law of God we are bound to honour, entitled now to all the honour, and all the obedience, and all the gratitude you can bestow? And do not his Ministers merit from you a confidence commensurate with the labours and the zeal expended by them on your behalf? And that Legislature which raised you up from your prostrate condition, and gave to you, without reserve, all the privileges you desired, is not that Legislature entitled to your reverence and love? We trust that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and Government of your gracious Sovereign, will be manifest in your entire conduct. Labour, therefore, in all things to promote the end which the Legislature contemplated in passing



this bill for your relief; to wit, the pacification and improvement of Ireland. Let religious discord cease, let party feuds and civil dissension be no more heard of, let rash and unjust and illegal oaths be not even named amongst you; and if sowers of discord or sedition should attempt to trouble your repose, seek for a safeguard against them in the protection afforded by the law."

To this address he found appended the names of some of the very prelates who had lately been forwarding the repeal agitation. Had not, then, those who had supported emancipation, as he had, a right to complain of the return they had met with? And this, let it be recollected, although the Pope had expressed his concurrence in the sentiments of moderation thus professed; and now, forsooth, nothing would content Ireland but a domestic legislature. As to the outcry against the Conservative party on account of old grievances, it was absurd, seeing that the penal laws were the offspring of Whig, not of Tory policy. He had formerly been encouraged in his adherence to the cause of emancipation by hearing eloquent invectives on the part of Mr. O'Connell against the atrocious doctrines published in the "Douay Version of the Bible," which contained sentiments disgraceful to any religion. That version of the scriptures contained such passages as the following:—

"'Lest, while ye gather up the tares ye root up also the wheat with them.'—*Mathew, c. xiii., v. 29.* *Note.*—The good must tolerate the evil when it is so strong that it cannot be redressed without danger, and commit the matter to God's judgment in the latter day. Otherwise, where ill men (be they heretics or other malefactors) may be punished or suppressed without disturbance or hazard of the good, they may and ought, by public authority, either spiritual or temporal, to be chastised and executed. 'I saw the woman drunk with the blood of the saints.'—*Revelations, c. xvii., v. 6.* *Note.*—The Protestants expound this of Rome, for that they put heretics to death, and allow of their punishment in other countries, but their blood is not called the blood of the saints no more than the blood of thieves, man-killers, and other malefactors, for the shedding of which, by order of justice, no commonwealth shall answer."

Could such opinion he asked be endured in any civilized country? Should it not be expected that they would be denounced *bonâ fide* by the really respectable of any religion? And could the

Roman Catholics be trusted while they continued to give credence and circulation to such sentiments.

Mr. *Ellice* said, that he had been at the commencement of this debate disposed to support this bill, but he now begged to state the grounds upon which he felt himself obliged, with great reluctance, to vote against it as part of a system of coercion towards Ireland. God knew that this bill was not an experiment. They had been legislating on this unwise system for half a century, and they were now called upon to renew this law under the declaration of a Member of the Government of the day, that concession towards Ireland had gone to its utmost limit—that if there were grievances in Ireland, the Government neither knew the means, nor would propose any to redress them. The hon. Member who had last spoke had almost brought the question to this issue:—Was it safe to trust the Irish people? Was it feasible to legislate for them as they would for his own constituency in Yorkshire? His answer was, that it was because they had never legislated for the Irish people as they would have legislated for the people of Yorkshire—it was because we had not done our utmost to place them upon an equality as regarded civil liberty, with the rest of their fellow subjects, that this odious bill of coercion against the Irish people became necessary. He agreed with the hon. and learned Member for Bath that the two great questions, as regarded Ireland, with which it became necessary for any government which wielded the destinies of this empire to cope, were the tenure of land, and the state of the Church in Ireland. He knew that these were very difficult questions to deal with; but it was not because they were difficult that the Government should content itself with proposing a bill to repress by arms the opinions of the people in that country. He recollected some years ago that he seconded a motion made by the hon. Member for Montrose for certain returns respecting tithes in Ireland. In the course of the debate upon this question, it appeared that there were 1,500 or 1,600 actions pending in that country for the recovery of tithes; and he then declared that in this country such a state of things would not be tolerated for a single day. He admitted that it was no easy affair to administer the affairs of this country; but he denied that that was any reason that the attempt should not be made—that the difficulty should not be coped

with. It was not enough for Ministers to cry out that the vast public meetings which were taking place in Ireland were a great nuisance, and to inveigh against the complaints which were so loudly raised at those meetings; they should look to the causes of those meetings, and the grounds of those complaints. With respect to the tenure of lands, he thought it full time that Parliament should do something on this subject. He believed that in the Parliament of Ireland, various laws had been passed from time to time, giving additional powers to landlords to act against their tenantry. It was difficult to deal with matters of this kind; but he did say, that after all, the time which had now elapsed since those acts were passed, it became the duty of Parliament to divine some means to remedy evils which were justly complained of; or, if they could not remedy them, at least to inquire into them, and tell the people of Ireland that they had done their best in their behalf, but that the difficulty of the subject was so great, that they found no adequate remedy could be devised by them for it. At any rate some attempt should be made; and they had as yet heard no proposition of such a kind from her Majesty's Government. Then, with respect to that greatest of all grievances which was to be found in the whole history of the world, the Church of Ireland, Mahomet was a merciful conqueror, compared with this country towards the people of Ireland—Mahomet destroyed the people whom he could not convert; but we devised a system by which we retained religious animosities, to rankle in the bosoms of succeeding generations. We deprived the people of Ireland of the means of supporting their own religion, and gave over those very means to support the religion of those to whom they were opposed; and when attempts had been from time to time made to remedy, or at least alleviate, the weight of this oppression, how had they been met by gentlemen opposite? He was one who thought the principle of applying part of the revenues of the Church to the education of the people, a wise system; and he thought that when this principle had been tried and found successful, it should be gradually extended so as to satisfy the wants of the people of Ireland, and that if any deficiency arose in consequence, this country should provide the means of supporting the church establishment in Ireland. He quite admitted that great caution should be used in applying any principle of this kind. Any rash

experiment might interfere with the safety of the establishment in the other country; and he was the last man to wish to hazard any such result. With respect to the vote which he was about to give on this question, he begged to state, that what had mainly induced him to alter the vote which he had intended giving on this subject, was the speech of the right hon. Member for Dorchester on Friday evening; and he believed that this was not the first occasion on which he had differed from the right hon. Gentleman on this subject. He would ask the House to look back at the past, and think how far the policy which had so long been pursued towards Ireland, and of which this bill was a part, had been conducive to the public interests of this empire? There was a time when the right hon. Gentleman was a Member of the Government of Lord Grey. The public out of doors at the time, placed entire confidence in the policy of that Government, and, so supported, they had the power to deal with both extremes in the State, and hold a middle course equally advantageous to both; and who was it that arrested the progress of this principle of government? He for one was satisfied with the course he then took; but could the right hon. Baronet and his noble Friend the Member for North Lancashire, say, that they were prepared to stand upon their present ground? Did they think that they could rest on a coercion bill of this description, without offering any measures of redress for the evils of which Ireland had so long and so justly complained? The right hon. Baronet and his colleagues might complain of the exciting addresses delivered to vast assemblies by the hon. and learned Member for Cork: but what was it which gave that gentleman the extraordinary power he exercised over the minds and feelings of the people of Ireland? Let them consider the conduct of the majority of this House, assisted by a large portion of the people of this country, in resisting the Catholic claims, till it was almost too late to grant them at all! and was it to be wondered at that the poor peasants of Ireland should feel a deep debt of gratitude towards a man, who had in the face of this opposition so long and so consistently fought the battle of their liberties, and had at last succeeded in placing them on a footing of equality with their fellow citizens; and when these men heard opinions from men high in office in this country, such as those which had fallen from the right hon. Gentleman opposite, it brought the blame home



to that House. That exciting addresses of the kind alluded to had such a powerful effect on the people of Ireland, was the fault of the Legislature in not having attended to their wants. He should be sorry to believe that what was going on in Ireland was likely to be followed by a conflict between religious parties in that country. It might, however, become necessary to take some measure of strong precaution to avert the danger of such an occurrence: but if a Government should ask for such a measure, it behoved them at the same time to hold out to the people of Ireland some hope of redress for their grievances; and he for one would not lend his assistance to the passing of such a measure, unless he heard some expectation held out of an intention to inquire into and redress the wrongs of which the people of Ireland so justly complained. Was it alleged that Parliament had been met by the people of Ireland with ingratitude, in return for concessions they had already made? He denied the justice of such an allegation; and he would say, let Parliament once make the people of Ireland sensible that the British Legislature was their friend and not their foe, that they had their interest and happiness at heart, equally with that of the rest of the empire; and he firmly believed that they would no longer hear the vast clamour which was now raised in that country for the Repeal of the Legislative Union between the two countries. He for one, was convinced, that the downfall of the empire would date from the separation of the two countries; and he would always lend his assistance to resist any attempt to consummate such a project; but, at the same time, he would not lend his assistance to pass a measure of a one-sided character, which only went to prove to the people of Ireland that they had no justice to expect from this House.

Mr. M. Milnes was sorry to hear the right hon. Member for Coventry say, that he would vote against her Majesty's Government on the present occasion, because he had believed, that the right hon. Gentleman must have recollected, that there once existed a Government, not unmindful of the claims of Ireland, who had brought forward a coercion bill of a much more stringent character than any that had been brought forward by the present Ministry, and he would have expected that, recollecting this circumstance, the right hon. Gentleman might have been disposed to consider the difficulties under which a

Ministry might labour in the Government of Ireland, and not to content himself with merely protesting against their acts. The Arms Bill, however, had often been enacted, and the additional clauses which had been introduced in the present bill he considered essential to its utility. It was with the greatest diffidence that he advanced an opinion on so difficult a subject; it was from no love of paradox that he stated his views, but from sincere conviction. He was persuaded then that there was one great and leading error in our Government of Ireland—an error which was now culminating, and the fatal consequences of which we experience every day—he meant the total disregard of the feelings and interests of the Roman Catholic clergy. No man could read the history of Ireland without feeling, that if there was one characteristic for which the people of that country was remarkable—if there was one fact which stood out more prominently than another in modern history—if there was one circumstance sufficient to confront the sceptical tendencies and infidel spirit of the age, it was the essentially religious feeling of the people of Ireland. If it had been the good fortune of England to unite the Irish with her own people under one great national system of Christianity, the greatest blessings would have resulted to both countries; but as it had not pleased Providence to vouchsafe to us such a blessing, it was our next business to see what was best to be done with the Roman Catholic Church as we now found it. He did say, that there was not a man who read the history of Ireland but must feel this—that the Roman Catholic people of Ireland could not be governed in any way successfully and advantageously without the consent and good will of the Roman Catholic pastors of that country. He did not think it at all followed that because they were bound to conciliate pastors of the Roman Catholic people, that the Anglican Episcopal Church should be destroyed in Ireland. He could not find, by looking into the best sources of information at his command, that that Church, as it stood at present, was in any way a practical grievance to the Irish people. He found the Irish Church supported through means of a rent-charge; he found, that by the admirable arrangements introduced by the noble Secretary of the Colonies, such things as 1600 actions concerning tithes were no longer heard of, and he really thought that the abolition of the establish-

would be productive of no monetary benefit to any class except the landlords. How it could be proved to the people of Ireland, that it would be a benefit, that the tithe which was now given to the religion of the mass of the landlords should be transferred to the pockets of the landlords themselves, was beyond his comprehension. As far as he could see, the landlords already got out of Ireland a little more than was their due; and he certainly did not think, that it would be any advantage to the country, that they should, in addition, lay hands on the revenues of the Church. Let it not be supposed, however, that he maintained the Irish people had no grievances, because they were not of a monetary character. We could not read the history of the world without seeing that most great changes originated in imaginary grievances, imaginary benefits, and imaginary rights. He, therefore, was persuaded that everything ought to be done by this country to prevent the Church of England from coming into hostile contact with the people of Ireland; to make the revenues of the Anglican Church nothing more than a portion of rent, taken by recipients, with whom the Roman Catholic clergy and people were even now well disposed to harmonise. Entertaining those views, he was most anxious that the Government should propound a measure that would be satisfactory to the clergy of Ireland. He knew the enormous difficulties they had to face, not only in Ireland, but in England. He knew the "no Popery" cry in England, however absurd it might be considered in that House, was in the minds of the people of England connected with the dearest liberties they had won, and the strongest feelings they had at heart. They might, if they pleased, call this superstition and folly; but it was the business of a Government to consult every feeling that pervaded the community. Every one then, must see that this was a question of great delicacy and forbearance, and he had a right to demand from hon. Gentlemen, on both sides, that if any measure, such as he hinted at was proposed, it should be received with the consideration that must arise from a feeling of the difficulties which surrounded it, and the danger of failure in touching it at all. But it might be said, that her Majesty's late Government, without any organic changes, established peace and good government in Ireland. That Government, as he had already said, was attended with the occa-

sional disease of a coercion bill, and the chronic disease of an Arms Bill. The difference between the last and former Governments seemed to him to be this, one governed the north of Ireland through the south, and the others the south through the north. The latter gave power and patronage to the Protestant, the late Government transferred them to the Roman Catholics. It was very natural that the Roman Catholics should be grateful to any Government, that broke through the old system of Protestant ascendancy; but still to govern by their or by any ascendancy was not a sound and legitimate system of legislation. He did not think that a good Government which had arrayed against it almost all the wealth and a large part of the intelligence of the country. He believed that that only would be a good and efficient government for Ireland, which should assume and preserve the attitude of the Divine Messenger foretold in Holy Writ, which should stand with one foot on Protestant ascendancy, and with the other on Roman Catholic agitation, and proclaim, that faction should now be no more.

Sir C. Napier rejoiced at having moved the adjournment, for it was the occasion of the delivery of many excellent speeches; and amongst others, he must refer to the straight-forward and manly speech of the right hon. Member for Coventry, which he was sure enlightened every man in the House. He rejoiced, too, at having made the motion of adjournment, for it gave the right hon. Baronet the Secretary for the Home Department an opportunity of explaining away the very offensive expressions he had made use of. That right hon. Gentleman ought to feel greatly obliged to him. In making that motion, it was true he encountered the sneer of the noble Lord (Lord Stanley), in answer to his question about the Bishops. The noble Lord having defended the judicial appointments. After the declaration of the right hon. Gentleman the Recorder for Dublin that there was not a clergyman capable of becoming a bishop who was not averse to the scheme of education, he certainly did expect something like a defence of the ecclesiastical appointments. It appeared, however, that gentlemen of the law and of the navy had no business to interfere with such matters, and, as for himself, the noble Lord seemed to think that he was not entitled to give an opinion on any but naval affairs. He was glad to



have such an attestation to his competency as to his own profession, because the right hon. Gentleman at the head of the Government, and some others, seemed to doubt whether he were capable of giving a just opinion even on naval affairs. He owned he could not make so long and flowery a speech as the noble Lord; but he was just as capable of giving an opinion, and acting up to it. He had always believed that the first qualities of a statesman were moderation, good temper, and political consistency, with a due mixture of modesty. And, certainly, the speeches of the noble Lord gave no very striking indication of his possessing these high qualities of a superior man. Having said so much in his own defence, he came to the question before the House. If he believed that Arms Bills would do any good to Ireland, or put an end to the agitation in that unfortunate country, he should give this bill his support; but he thought it would have no other effect than to increase ten-fold an agitation which had spread from one end of the country to the other. He thought the strong declaration of the right hon. Baronet at the head of the Government, and of the Duke of Wellington, did more to advance the cause of repeal than the speeches of the hon. and learned Member for Cork. Another strong cause of excitement was the foolish expedient of sending steamboats and ships of war to Dublin, Waterford, and Cork. They should have been left at Falmouth, or some other English port, until a necessity arose for their services in Ireland. He also thought that superseding the magistrates showed no knowledge of human nature, and particularly of Irish nature. He could not comprehend how any one holding the high official situation of the Lord Chancellor could suppose he would be enabled to put down the cry of repeal by so timid and false a step. Having declared his opinion in condemnation of Government, he might say he was no admirer of the violent speeches pronounced in Ireland. He condemned them most strongly. When he heard the Irish people told they were as powerful as any army, and that they did not require an uniform to be as good as soldiers, he could not approve of such language. When he heard, too, the praise of officers, sergeants, and men of the army, he must say he could not approve of such language in a Member of Par-

liament, particularly in the present highly excitable state of Ireland. The Members for Bath, Sheffield, and Montrose gave it as their decided opinion that the Church ought to be put down. He could not at all agree with that; but he thought the Church ought to be reduced to the wants of the people. The hon. Gentleman who spoke last seemed to think that such a curtailment would merely tend to enrich the proprietors of land. No one ever proposed to reduce the revenues of the Church to increase the property of the landlords; but if the wants of the Protestants only were attended to, there must be a surplus, which could be applied to relieve the educational wants of the Catholics. He thought the Government ought to come forward with measures of conciliation. If they did, he would support them in any steps they deemed necessary to put down the present fearful agitation. He did not think the British empire safe for a moment while it continued. If they looked over Europe, they must see the danger of any outbreak. Depend upon it, if a rebellion broke out in Ireland, France would assist the insurgents, as England countenanced Belgium in throwing off the allegiance of the United Provinces.

Mr. *L. Fox* said, that considering there was a notice of his on the books with regard to the Emancipation Act, and that it would be impossible for him to bring it under the notice of the House to-morrow night, in consequence of the other business which stood before it, and looking to the turn which this debate had taken, he thought he should be perfectly justified in introducing now the observations which he should have made on that motion. It was now distinctly stated—as he had always believed—that the Protestant Church in Ireland was to fall in case the Repeal of the Union was carried. The liberator too had clearly and distinctly announced that the year 1843 was to be the year of repeal, and there did appear to him every prospect of Mr. O'Connell's being able to fulfil that declaration, from the organisation which they had lately seen. His reason for wishing to state his opinions in this House on the present position of Ireland was, that he was firmly convinced that our glorious Protestant constitution, in which so great a breach was made by the act of 1829 was as much the law of God as the law delivered to the Israelites on Mount Sinai. This being his opinion, he must refer to

Scripture in support of his arguments. Persons had said to him, that if he adopted such a mode of argument in the House of Commons he would be only laughed at, but he had a better opinion of this House than to suppose that they would not treat such a subject with reverence. The right hon. Baronet the Secretary for the Home Department had been taunted for saying, that he did not see how conciliation could be carried further. He was of the same opinion as the right hon. Baronet. He thought they had come to the time when they could yield no further. Christ himself had said, that the sword must be drawn in defence of his church, and he believed, that the state of things was now come to that pass, when nothing but war would settle the dispute between England and Ireland and save the Church from its enemies. Christ himself said to his disciples,

“When I sent you without purse and scrip and shoe, lacked ye anything? And they said, Nothing. Then said he unto them, But now he that hath a purse let him take it, and likewise his scrip; and he that hath no sword, let him sell his garment and buy one. For I say unto you, that this that is written must yet be accomplished in me; he was numbered with the transgressors, for the things concerning me have an end. And they said, Lord, behold here are two swords. And he said unto them, It is enough.”

He should also refer to the history of the world. If ever there were a period when it was necessary to draw the sword for the defence of the Church, he believed that the period had now arrived, and that it had been brought forward by the Catholic Emancipation Act. As he entertained a high respect for many gentlemen professing the Roman Catholic religion, he was sorry to differ from them on the subject, but he had a duty to perform, and before that all other considerations should yield. Unless he was firmly convinced of the truth of his church, he would not stand up in this manner in support of it. He would again refer to scripture to shew its truth and the importance of defending it as he had done before. The prophet Isaiah said,

“Behold my servant, whom I uphold—mine elect in whom my soul delighteth. I have put my spirit upon him; he shall bring forth judgment unto the Gentiles. He shall not cry nor lift up, nor cause his voice to be heard in the street. A bruised reed shall he not break, and the smoking flax he shall not quench; he shall bring forth judgment unto the truth, and the Isles shall wait for his law.”

Could there be any man in these British Isles so ignorant as not to perceive that this referred to the British nation and the British church—that the prophet spoke of the day when England shook off the domination of Rome and established her Protestant faith by the Revolution of 1688? He was sure that it could have no reference to any other event. Having entered into this subject, he must impress on the House his view of the Romish power being the power with which the Church of England was at war, and he should consequently refer to the French Revolution, when France shook off Christianity altogether, and her soldiers chose their general as the Emperor of the French—that man being one of those mentioned in Scripture as of the Roman empire, and an emanation of Roman Catholic power. They must remember that Rome was the power under which the Israelitish nation was in subjection at the time of the appearance of the Saviour. We were told that there were eight kings to arise. One lived in the time of the first preaching of the Gospel. We knew no power in the world which had so many different forms of government as the Romans. They had kings, consuls, decemvirs, dictators, triumvirs, and emperors. These were the powers by which Rome was governed. Mark his words. His intention was to prove that the late emperor of the French was the seventh head from the Roman power. He adopted the consular form of government, and the Roman eagle as the emblem of his power, and the other powers having been pagan he declared himself a pagan, and acknowledged no god, but Mars the god of war, and a mighty God he found when he left him in the lurch on the plain of Waterloo. Whilst he was exhibiting himself in that position as the head of the Roman power, the Pope was deposed and carried into captivity. If the Reformation were not the work of God, the Church of England stood on very slender foundations; but if it was of God, then he would contend that the admission of Roman Catholics to that House could not be justified on any jesuitical grounds whatever. The hon. Member for Cork said, it was the Catholic rent that carried emancipation, and it was by the repeal rent he would carry repeal. So that it was clear the hon. and learned Member trusted to lucre for success, not to the justice of this cause. It was said, that Rome was not now to be feared, but if the House would permit him



to proceed, he would say Rome was more terrible in these days than she ever had been since she was first fondled by that she-wolf, the old wet-nurse of Romulus and Remus. He said yesterday to an acquaintance of his, that people said he was mad, when he told him an anecdote of George 3rd, who talking to his Ministers about Lord Nelson, when they said he was mad; his Majesty replied, "I wish he would bite some of my admirals." He must acknowledge that there were great difficulties in the way of this nation with reference to the Church of Rome. He must state his opinion of the future prospects of the Church of England. After the transfiguration—when Moses and Elias had been seen talking with our Saviour, they should mark his words:—His disciples said—"How say the Scribes that Elias must first come." To which he replied, "Elias shall truly first come and restore all things." This he said after John the Baptist, whom he called Elias, had been beheaded. It might be seen that Elias was not far off. He would show them from whence Elias would come. It is to the Israelites that the oracles of God are committed, and it is a common opinion amongst mankind, that at the destruction of the Jewish nation the whole race of Israel fell from grace. But that was not the case, for it is written, "I will set a sign amongst them and will send them that escape to the nations that draw the bow, to the isles afar off, and they shall declare my glory amongst the Gentiles." You see, therefore, that here in these British isles, where God has planted his true Church, has he also planted a branch of Israel to stand by it in the last days; they have stood by it, they do stand by it, and they will stand by it for ever. When that abomination of modern legislation, the Roman Catholic question, was under discussion, the Lord Chancellor Eldon, the keeper of the King's conscience, as he was called, said, "if that measure passed, that England's sun would set," but he knew not the mighty vigour of England's heart, England's sun has doubtless, been by that act eclipsed, but he will soon burst the bonds of darkness and shine again more glorious than ever. The powers of darkness have been in these latter days, like the ocean's tide which comes with a rush on the river which runs beside us and forces it back towards its source, but cannot pass the allotted bounds; thus has it been with the rulers of the darkness of this world; they have made an inroad into

the heart of this British nation as far as they can go, but shall now fall back, and like the host of Pharaoh be for ever buried in the bosom of the ocean; but the waters of Judah will still flow over, therefore the iniquities of the outcasts of Israel, will be cast into the depths of the sea and will never be found; now will I say to the long dispersed and afflicted people of Israel, stand up on Jerusalem that has drunk at the hand of the Lord the cup of his fury, thou hast drunken the dregs of the cup of trembling and wrung them out, they shall drink it again no more for ever.

Mr. *M. J. O'Connell* thought he could trace the whole of the speeches made by hon. Members opposite, from the hon. Member for Newcastle-under-Lyne (Mr. Colquhoun), down to the hon. Member who had just sat down, to the observations of the right hon. Baronet the Secretary for the Home Department, who had told the House that in Ireland conciliation had gone to its utmost, and had opened the whole of that religious discussion which had usurped the place of the discussion on the Arms Bill, not only that night, but at the close of the previous night. The hon. Member for Newcastle had reminded him of the time when that hon. Member represented a Scottish constituency, and introduced his bill about Maynooth College, and procured the appointment of the everlasting Intimidation Committee. What the hon. Member's speech had to do with the question of the Arms Bill, he could not discover. He would show the House what was the value of the hon. Member's testimony with reference to Ireland. In 1839 the hon. Gentleman stated before a committee on the state of Ireland, in answer to a question with respect to an estate in the Queen's county, that a person named Price, an agent on board of the packet, in going over, had informed him that a man of the name of White, a schoolmaster, was a Ribbonman. Price was examined, and stated, that he had never told the hon. Member that this individual was a Ribbonman: next, that Ribbonism was unknown in the Queen's county; and lastly, that he had never said that White was a conspirator, or Whitefoot of any kind. He thought it right to quote this, after the hon. Member's invectives against the Roman Catholic clergy, in order that the House might not place confidence in the statements he had made. He would not go

further into the religious question; but he knew that what had been the cause of the irregularity in the debate, had been the speech of the right hon. Gentleman. He thought that in the passage which had been commented upon, the right hon. Gentleman had guarded himself from conveying any intended insult to the Roman Catholics; he did not think the right hon. Gentleman had guarded those who cheered him. He thought it was one of those passages in which the speaker touched on a forbidden ground, did not say all he meant himself, but left the meaning to be cheered out by his auditors. But what was the purport of the right hon. Baronet's speech? The meaning of it was, that the Roman Catholics had obtained emancipation under false pretences; it was the practical purpose entertained by the hon. Member for Ipswich, of repealing the Emancipation Act. Did the right hon. Gentleman think that the feelings of irritation and contempt entertained in Ireland would be diminished when his speech was read there? If placards had been published with the name of the noble Lord near him (Lord J. Russell), he thought there might be placards published with more exciting language quoted from the speech of the right hon. Gentleman the Secretary for the Home Department. He trusted his countrymen would not use exciting language; there was sufficient to excite them already without it. But still more improvident was the noble Lord the Secretary for the Colonies, who charged the noble Lord the Member for London with having furnished the agitators with a weapon for repeal, by saying that the Union might be repealed, like any other Act of Parliament. The noble Lord complained very much of this, but in the very next sentence of his speech he said, "I quite concur with the noble Lord, that the Union may be repealed like another statute." He hoped that in the next placard published the sentence would be the same, but that, instead of the name of Russell, that of Stanley would be used. The right hon. Baronet had given the House an additional night's debate on this bill, and in two nights debate they had got rid of two of the most obnoxious provisions of the bill. Mr. Fox, in 1783—Mr. C. Fox in bringing forward a measure to secure the legislative independence of Ireland, said, that the Ministers who preceded him had not conceded

the claims of Ireland on the subject of commerce, until Ireland had armed herself, and the troops had been withdrawn from the country to fight the rebellious colonists. He declared that his predecessors had set the example to the Irish that if they were to gain their rights it would not be by humble petition or quiet remonstrance, but by taking the opportunity of arming themselves, and making themselves troublesome to England. A new era had now come. Armed meetings had passed away, but unfortunately the same spirit still prevailed. They had learned from the right hon. Gentleman opposite, that if they had grievances, and wished for redress, it must not be by calm reason, or the force of argument, but by menaces and agitation—by having recourse to measures which were only to be used in an extreme case, and only to be justified by necessity. When this was the only means by which the Irish could obtain their rights, the blame cast upon the employment of those means came with a bad grace from those who denied them every other. It was said this bill was not intended to put down agitation. If so, what was meant by those allusions continually made, by the Hotspurs of the party opposite, to the danger of meetings called for the purpose of petitioning Parliament. It was convenient to raise a cry against Ireland of the local circumstances of which so many Members in that House were ignorant, and therefore taunts were not spared which were calculated to excite bitter feelings in the breasts of many hon. Members, who revolted against the provisions of this bill as compared with former acts—against the branding clause, and the clauses respecting registry. But what did the hon. Member for Waterford ask the House to do? He asked them to go into committee to see what alterations might be made in the bill. If Ministers had any confidence in their own measure they might safely assent to that proposition. They had already given up two clauses of the bill. Did not that show that they had acted with precipitancy and without judgment in bringing it forward? And did it not furnish an argument in favour of the motion of his hon. Friend (Mr. Wyse)? If the Government had been so badly informed as to devise those two clauses and then to feel it their duty to withdraw them, why not go into committee and see whether other of the clauses, or even all the clauses might not



be with equal justness dispensed with? The hon. Gentleman thanked the House for the patient hearing they had given him, and sat down amidst general cheers.

Mr. *Muntz* had not the slightest intention to take any part in the present debate merely respecting the Arms Bill, of which he knew nothing, such a measure never having been connected with the Government of England. But the discussion had very much altered during the debate, and many things had been introduced respecting Ireland, which gave to their deliberations a very different character from what the mere measure of an Arms Bill might have borne. He heard from all quarters, that great excitement and great agitation existed in Ireland; and that large meetings of the people of Ireland were held for effecting a repeal of the Union. Now, he could not understand why these meetings should be any cause of complaint. He could not understand why the Irish people should not meet to discuss their grievances as well as the English. He himself had been in his time an agitator to a very considerable extent. In the agitation for Reform during the years 1831, 1832 and 1833, he took as large a share as any man in England, and he never had any other intention but that of doing right to all. He sought at that time to remove what were then called the rotten boroughs, and to give to Englishmen the right of representation. Why then should they find fault with the people of Ireland for agitating in the same peaceable and constitutional manner? He remembered perfectly well, that after the celebrated three days in 1832, when the people of Birmingham had met two and three hundred thousand a day, that a deputation came to London to wait on the Government. His predecessor, and his present colleague, and himself, waited on the venerable Lord Grey, and the then Lord Althorpe, and the right hon. Baronet the present Secretary for the Home Department. The deputation were received by the noble Lord and the right hon. Gentleman in a very gracious manner. He mentioned this to recall to the right hon. Baronet's mind, the fact that no mischief resulted from the encouragement which the Government of that day gave to the agitation which then existed. And yet he also remembered that he himself was told at that time by a very respectable gentleman, that the Birmingham Political Union had determined to rob everybody—and that it had resolved to divide the land of the

country upon the principle of the agrarian law. The gentleman who made this announcement to him did not know him, nor at the time did he know the alarmist; but he afterwards ascertained that the gentleman was a clergyman of the Established Church. He (Mr. *Muntz*) was Vice-president of the political union at that very time, and he solemnly declared that he knew nothing at all about it. If he had, in 1832, stated it before such an assembly as he was now addressing, it was possible he might not have been believed. But eleven years had since passed away, and he could safely state to the House that there never was the slightest intention on the part of any person connected with the political union to do harm to any man or thing whatsoever. They ought not, therefore, to suppose, that the people of Ireland intended to do wrong. They ought to be allowed the same privilege of agitation as the people of England, and he felt that so long as they carried on their agitation in a peaceable manner, no interference of the Government was prudent or wise; and certainly, so long as they so conducted themselves, he should not give his consent to any Arms Bill. He really thought that the Government made much more of this Arms Bill measure than it merited. It would not cure the evil it was intended to meet; and, on considering the whole matter, he was of opinion that the Government ought to pause and reflect whether they would not do more mischief by passing it than by suffering it to lapse. Although such a law had existed for fifty years, would it not be well for Ministers to endeavour to govern Irishmen like human beings? It came to that. Why not try it? Had they tried the Irish people by giving them those concessions which ought to be granted to them. He believed that if Irishmen were treated as Englishmen they would be a very different people from what they were now. It had been said, that this was a church question. He doubted it very much; but if it were, then he should say that the necessity of caution was still greater. He knew what it was to be charged with wishing to do injury towards the Church. An information was once filed against him on a charge of which he was as innocent as the right hon. Gentleman who now filled the chair of the House of Commons; and what was the fact? If he had not had money at his command, he should have been imprisoned, and that without there being any truth whatever in the assertions made against

him. He doubted whether this was a church bill, and he would tell them why. The Liberator had been doing all he could in favour of repeal; but how long since had he succeeded, and why? Only since he had advocated the cause irrespective of all religious distinctions. The success of his advocacy was, because all the people were equally interested; for it was in truth nothing less than a question of the stomach. He believed that if the people of Ireland were as comfortable and as well off as they ought to be, Mr. O'Connell might agitate as much as he pleased, but it would be in vain. It was, as Napoleon said to Las Cases at St. Helena, but a question of the stomach. "*C'est le petit ventre qui gouverne le monde.*" But the Government were wrong. They were labouring under a great mistake. It was very true, they had a large majority in the House, but it was a total mistake to suppose that they had gained any weight in the country. A great change had taken place within the last two years. He had himself heard scores and hundreds of men who had hailed the advent of the present Government to power, and had used the most anxious language for their accession to it, now wish them dispossessed of it. He did not say this to offend her Majesty's Ministers. But he could not use the language of flattery. The worst of friends were those who flattered. He told the Government facts without any great embellishment. He was confident that if a dissolution of Parliament were now to take place, a very small proportion of those who now constituted the majority of the right hon. Gentleman would be returned again to that House. For it was not one interest only that was opposed to the right hon. Gentleman. Every interest was dissatisfied; the commercial interest in particular. There was only one interest, and that in his estimation the least, that could be considered favourable to the right hon. Gentleman's policy—that of the Church. But to satisfy the Church, would not satisfy him (Mr. Muntz); nor would it satisfy the stomachs of the people, and if they did satisfy the stomachs of the nation, they could not satisfy the country. He hoped the Government would consider these things, and reflect whether it would not be better to conciliate the people of Ireland than enforce a measure which must animate their feelings against the Government of this country.

House divided on the question, that the

words proposed to be left out stand part of the question. Ayes 276; Noes 122;—Majority 154.

*List of the AYES.*

Ackers, J.	Compton, H. C.
Acland, Sir T. D.	Connolly, Col.
A'Court, Capt.	Corry, rt. hon. H.
Acton, Col.	Courtenay, Lord
Adare, Visct.	Cripps, W.
Adderley, C. B.	Damer, hon. Col.
Ainsworth, P.	Darby, G.
Alford, Visct.	Dawnay, hon. W. H.
Antrobus, E.	Denison, E. B.
Arbutnot, hon. H.	Dickinson, F. H.
Archdall, Capt. M.	Douglas, Sir H.
Arkwright, G.	Douglas, J. D. S.
Ashley, Lord	Douro, Marq. of
Bailey, J.	Dowdeswell, W.
Bailey, J. jun.	Drummond, H. H.
Baillie, Col.	Duncombe, hon. A.
Baillie, H. J.	Dungannon, Visct.
Baird, W.	Du Pre, C. G.
Baring, hon. W. B.	Eaton, R. J.
Barneby, J.	Egerton, W. T.
Barrington, Visct.	Egerton, Sir P.
Baskerville, T. B. M.	Eliot, Lord
Bateson, R.	Emlyn, Visct.
Beckett, W.	Escott, B.
Bentinck, Lord G.	Estcourt, T. G. B.
Beresford, Major	Farnham, E. B.
Bernard, Visct.	Feilden, W.
Blackburne, J. I.	Fellowes, E.
Blackstone, W. S.	Ferguson, Sir R. A.
Blakemore, R.	Ferrand, W. B.
Bodkin, W. H.	Flower, Sir J.
Boldero, H. G.	Follett, Sir W. W.
Borthwick, P.	Forbes, W.
Botfield, B.	Forester, hn. G. C.W.
Boyd, J.	Fox, S. L.
Bradshaw, J.	Fuller, A. E.
Bramston, T. W.	Gaskell, J. Milnes
Broadley, H.	Gladstone, rt. hn. W.E.
Broadwood, H.	Gladstone, Capt.
Bruce, Lord E.	Glynne, Sir S. R.
Buck, L. W.	Godson, R.
Buller, Sir J.Y.	Gordon, hon. Capt.
Bunbury, T.	Gore, W. O.
Burrell, Sir C. M.	Gore, W. R. O.
Campbell, Sir H.	Goring, C.
Cardwell, E.	Goulburn, rt. hon. H.
Cavendish, hon. G. H.	Graham, rt. hn. Sir J.
Chapman, A.	Granby, Marq. of
Charteris, hon. F.	Greenall, P.
Chelsea, Visct.	Greene, T.
Chetwode, Sir J.	Gregory, W. H.
Cholmondeley, hn. H.	Grimsditch, T.
Christopher, R. A.	Grogan, E.
Chute, W. L. W.	Hale, R. B.
Clayton, R. R.	Halford, H.
Clerk, Sir G.	Hamilton, J. H.
Clive, Visct.	Hamilton, G. A.
Clive, hon. R. H.	Hamilton, W. J.
Codrington, Sir W.	Hamilton, Lord C.
Collett, W. R.	Hampden, R.
Colquhoun, J. C.	Hanmer, Sir J.
Colville, C. R.	Harcourt, G. G.



Hardinge, rt. hn. Sir H. Newport, Visct.  
 Hardy, J. Nicholl, rt. hn. J.  
 Hayes, Sir E. Norreys, Lord  
 Heathcote, G. J. Northland, Visct.  
 Henley, J. W. O'Brien, A. S.  
 Henniker, Lord Owen, Sir J.  
 Hepburn, Sir T. B. Packe, C. W.  
 Herbert, hon. S. Palmer, R.  
 Hervey, Lord A. Palmer, G.  
 Hodgson, R. Palmerston, Visct.  
 Hogg, J. W. Patten, J. W.  
 Hope, hon. C. Peel, rt. hon. Sir R.  
 Hope, G. W. Peel, J.  
 Hornby, J. Pennant, hon. Col.  
 Howard, Lord Pigot, Sir R.  
 Hughes, W. B. Plumptre, J. P.  
 Hussey, A. Polhill, F.  
 Hussey, T. Pollock, Sir F.  
 Ingestrie, Visct. Praed, W. T.  
 Inglis, Sir R. II. Price, R.  
 Irton, S. Pringle, A.  
 Jernyn, Earl Pusey, P.  
 Jocelyn, Visct. Reid, Sir J. R.  
 Johnstone, Sir J. Rendlesham, Lord  
 Jolliffe, Sir W. G. II. Repton, G. W. J.  
 Jones, Capt. Rice, E. R.  
 Kelly, F. Richards, R.  
 Kemble, H. Rolleston, Col.  
 Knatchbull, rt. hn. Sir E. Rose, rt. hon. Sir G.  
 Knight, H. G. Round, C. G.  
 Lambton, H. Round, J.  
 Law, hon. C. E. Rous, hon. Capt.  
 Lefroy, A. Rushbrooke, Col.  
 Legh, G. C. Russell, Lord, J.  
 Leslie, C. P. Russell, C.  
 Liddell, hon. H. T. Russell, J. D. W.  
 Lincoln, Earl of Sanderson, R.  
 Lockhart, W. Sandon, Visct.  
 Lopes, Sir R. Scarlett, hon. R. C.  
 Lowther, J. H. Seymour, Sir H. B.  
 Lowther, hon. Col. Shaw, rt. hon. F.  
 Lyall, G. Shirley, E. J.  
 Lygon, hon. Gen. Sibthorp, Col.  
 Mackenzie, T. Smith, A.  
 Mackenzie, W. F. Smith, rt. hn. T. B. C.  
 Mackinnon, W. A. Smyth, Sir H.  
 Maclean, D. Smythe, hon. G.  
 McGeachy, F. A. Smollett, A.  
 Mahon, Visct. Somerset, Lord G.  
 Mainwaring, T. Sotherton, T. H. S.  
 Manners, Lord C. S. Spry, Sir S. T.  
 Manners, Lord J. Stanley, Lord  
 Marsham, Visct. Stanley, E.  
 Martin, C. W. Stewart, J.  
 Maxwell, hon. J. P. Stuart, W. V.  
 Meynell, Capt. Stuart, H.  
 Mildmay, H. St. J. Sturt, H. C.  
 Miles, P. W. S. Sutton, hon. H. M.  
 Miles, W. Talbot, C. R. M.  
 Milnes, R. M. Taylor, T. E.  
 Mordaunt, Sir J. Tennent, J. E.  
 Morgan, O. Thesiger, F.  
 Mundy, E. M. Thornhill, G.  
 Murray, C. R. S. Tollemache, hn. F. J.  
 Neeld, J. Tollemache, J.  
 Neville, R. Tomline, G.  
 Newdigate, C. N. Trench, Sir F. W.

Trollope, Sir J. Wilbraham, hn. R. B.  
 Turnor, C. Wood, C.  
 Tyrell, Sir J. T. Wood, Col.  
 Verner, Col. Wood, Col. T.  
 Vernon, G. H. Wortley, hn. J. S.  
 Vesey, hon. T. Wynn, Sir W. W.  
 Vivian, J. E. Young, J.  
 Waddington, H. S.  
 Welby, G. E.  
 Wellesley, Lord C.  
 Wemyss, Capt.

## TELLERS.

Fremantle, Sir T.  
 Baring, H.

*List of the NOES.*

Aglionby, H. A. Gore, hon. R.  
 Aldam, W. Granger, T. C.  
 Archbold, R. Hall, Sir B.  
 Bannerman, A. Hastie, A.  
 Barnard, E. G. Hatton, Capt. V.  
 Barron, Sir H. W. Hawes, B.  
 Berkeley, hon. H. F. Hayter, W. G.  
 Blake, Sir V. Hill, Lord M.  
 Bodkin, J. J. Hindley, C.  
 Bowes, J. Horsman, E.  
 Bowring, Dr. Howard, hn. C.W.G.  
 Brotherton, J. Howard, P. H.  
 Browne, hon. W. Howard, hon. H.  
 Busfeild, W. Howard, hon. J.  
 Byng, rt. hn. G. S. Hutt, W.  
 Carew, hon. R. S. Jervis, J.  
 Cavendish, hon. C. C. Johnson, Gen.  
 Chapman, B. Langston, J. H.  
 Childers, J. W. Leader, J. T.  
 Christie, W. D. Listowell, Earl of  
 Clements, Visct. Marjoribanks, S.  
 Clive, E. B. Mitcalfe, H.  
 Cobden, R. Mitchell, T. A.  
 Colborne, hn. W.N.R. Muntz, G. F.  
 Collett, J. Murphy, F. S.  
 Collins, W. Napier, Sir C.  
 Corbally, M. E. Norreys, Sir D. J.  
 Craig, W. G. O'Brien, J.  
 Crawford, W. S. O'Brien, W. S.  
 Dalrymple, Capt. O'Connell, M. J.  
 Dashwood, G. H. O'Connor Don  
 Dawson, hon. T. V. O'Ferrall, R. M.  
 D'Eyncourt, rt. hn. C.T. Ord, W.  
 Divett, E. Oswald, J.  
 Duff, J. Paget, Col.  
 Duke, Sir J. Parker, J.  
 Duncan, Visct. Pechell, Capt.  
 Duncan, G. Philips, G. R.  
 Duncombe, T. Pigot, rt. hon. D.  
 Dundas, Adm. Plumridge, Capt.  
 Dundas, D. Ponsonby, hon. C.F.C.  
 Ellice, rt. hon. E. Ponsonby, hon. J. G.  
 Ellice, E. Pulsford, R.  
 Elphinstone, H. Redington, T. N.  
 Esmonde, Sir T. Ricardo, J. L.  
 Evans, W. Roebuck, J. A.  
 Ewart, W. Ross, D. R.  
 Fielden, J. Russell, Lord E.  
 Ferguson, Col. Seale, Sir J. H.  
 Fitzroy, Lord C. Smith, B.  
 Forster, M. Stansfield, W. R. C. I  
 Gibson, T. M. Strutt, E.  
 Gill, T. Tancred, H. W.  
 Gisborne, T. Thornely, T.

Towneley, J.	Wawn, J. T.
Trelawny, J. S.	Williams, W.
Tuite, H. M.	Wood, B.
Villiers, hon. C.	Worsley, Lord
Vivian, hon. Capt.	Yorke, H. R.
Wakley, T.	
Wall, C. B.	TELLERS.
Ward, H. G.	Blewitt, R. J.
Watson, W. H.	Wyse, T.

### *Pairs (Nonofficial.)*

AYES.	NOES.
Burdett, Sir F.	Cave, O.
Wodehouse, E.	Currie, R.

Main question, that the Speaker do now leave the Chair again proposed.

Viscount *Clements* moved, that the debate be adjourned.

Sir *V. Blake* rose to speak amid much confusion. He wished to record his vote against this inroad upon the liberties of Irishmen, and warned all English Members, that the next attack would be made on the liberties of their country. The hon. Baronet referred to what had been said by the hon. Member for Ipswich (Mr. Lane Fox), that this was to be the year of Repeal, and assured Ministers that they could not resist it if the Protestants of Ireland joined in demanding it. Upon this point the hon. Baronet read an extract from the *Dublin Evening Mail*, the organ of the Orange party. He maintained, that the grievances under which the people of Ireland suffered ought to be redressed; they only asked what had been promised by the Union—equality of rights, laws, and institutions: this promise had been five times broken, and Irishmen were no longer to be deluded. The first Arms Bill was passed at a time when it was sufficient to be a Catholic to deprive a party of the power of carrying arms.

Mr. *More O'Ferrall* suggested, that the alterations intended in the bill should be made *pro forma*, and the bill reprinted.

Motion for the adjournment withdrawn.

The House went into committee upon the bill, and resumed. Committee to sit again.

House adjourned at a quarter before two o'clock.

### HOUSE OF COMMONS,

*Tuesday, June 20, 1843.*

MINUTES.] *BILLS.* Public.—*Reported.*—Princess Augusta's Annuity; Chelsea Hospital.  
Private.—2<sup>o</sup>. Lord Gray's Estate.  
*Reported.*—Maryport and Carlisle Railway (No. 5).

PETITIONS PRESENTED. By Messrs. Forster, Davies, Brotherton, Gieborne, A. Chapman, B. Smith, H. Berkeley, Divett, Gore, Trevor, J. Parker, R. Colborne, Grimsditch, W. O. Stanley, and P. Howard, Sir C. Lemon, Captain Peechell, Sir J. Easthope, Sir G. Strickland, Lord Duncan, Lord E. Russell, and Captain Rous, from an immense number of Places against, and from two places in favour, of the Factories Bill.—By Captain Rous, from Inhabitants of London, against Dog Stealing.—By the Same, and Sir C. Lemon, from Westminster and Cornwall, in favour of the Scientific Societies Bill.—By Mr. Mackinnon, from St. Dunstan's in the West, in favour of the Health of Towns Bill.—By Mr. W. O. Stanley, from Anglesea, in favour of the Coroner's Bill.—By Mr. T. Duncombe, from Barnsley, for relief to the Political Prisoners in Stafford Gaol; Also from Mr. Griffith, against inclosing Hampstead Heath, and Blackheath.—From Nottingham, against the Irish Arms Bill.—From Guildford, for Rating the Owners of Small Tenements instead of the Occupiers.—From Rathdown Union, for defraying the Expenses of Erecting Workhouses in Ireland from the Consolidated Fund.

THE TOWNSHEND PEERAGE.] Mr. *James Stuart Wortley*, in moving the second reading of this bill, said, he now proposed that, not on any narrow consideration, but from regard to the principle on which the measure was based. He would set out by admitting that there was no ground for a proceeding of this kind, unless it was shown that the case was an extreme one, and that the common forms of judicature afforded no adequate remedy. Now, he undertook to show that there did at this moment exist a great and pressing private grievance, and an imminent chance, if not a certain prospect, of great future loss and injury to the parties interested. He need not say one word, he was sure, to show the House that in this case there was a gross and scandalous exhibition of a fraudulent attempt. When he said a fraudulent, he meant an improper attempt to substitute in the place of the rightful heir to a seat in one of the branches of the Legislature, one who, by the evidence, appeared to have no title or claim whatever to that distinction. [The hon. and learned Member entered into a history of the case and of the bill, which will be found in our report of the proceedings in the Lords; see vol. lxi. pp. 412, 417, 494, 673]. The hon. and learned Member further said, he must, however, draw the attention of the House to an extraordinary part of this case, which showed that, down to a late period, there was a disposition on the part of the Marquess to come to such an agreement as would almost necessarily have the effect of precluding the proof of illegitimacy. It was a negotiation begun in 1824, and continued down to 1842, after Lord Charles Townshend had disputed the legitimacy, by which, in consideration of a pecuniary sum, Lord Townshend was willing,



not only to sell his own right, but, in truth, the right of others. It was certainly clear, that some years ago the Marquess was prepared, in consideration of a pecuniary gain, publicly to acknowledge the very children which, in answer to proceedings under the Chancery suit he had denied to be his. There was, at the very close of the evidence this letter from Lord Townshend to Mr. Dunn Gardner, followed by a proposition made by his Lordship's agent:—

“Dear Sir;—It appears to me that, with a little mutual confidence, some arrangement might be made between us regarding the settlement and estates, advantageous to all parties, and injurious to none. I have explained my sentiments to Mr. Ridgway on this subject, who will communicate the details to your solicitor. When I come to town I shall be glad to have a personal interview with you; we can then talk over family affairs which nearly concern us, and which are better transacted thus without the agency of a third person, at least in the first instance. I am persuaded, Sir, that you now think with me, that in family disagreements mutual exposure is a sad remedy for mutual imprudence, and serving no purpose but to gratify the malevolence of the world.—I have, &c.

“June 10, 1824.

TOWNSHEND.”

“The proposition of the Marquess Townshend, by Mr. James Ridgway (his agent), to William Dunn Gardner, esq., is to pay 40,000*l.* to the said William Dunn Gardner for the benefit of the Marchioness Townshend for life, and the remainder to her eldest son in tail male, and to acknowledge the legitimacy of the children; and, in pursuance thereof the said William Dunn Gardner, together with his co-trustees, to release all claim on the Walton estate.

“June 14, 1824.” “JAMES RIDGWAY.”

He found, also, a letter renewing the proposition after Lord Charles Townshend had raised the question of legitimacy. This evidence was given by the counsel against the bill, and he (Mr. Stuart Wortley) was surprised at it, for it was immediately observed it afforded the greatest proof that Lord Townshend was convinced these were not his children. When he was asked for precedents, he defied any one to produce any case like this. If ever there was proved to have been a case in which the wife's misconduct had been such, in which the children had thus assumed their titles, and in which the father had played such a part, then, but not till then, the argument that there were no precedents for a bill like this might be used. Here there was not only a private injury,

but a great public wrong. The integrity of the succession to the House of Lords was endeavoured to be impeached. Some might set more or less value on hereditary rights; but whilst the House of Lords constituted one branch of the Legislature, it was of great importance to see that the seats were properly filled. This was all that was attempted by the bill now before the House. Under these circumstances, he called upon the House to apply a remedy, to redress a wrong, and to pass this bill.

Mr. C. Buller moved, in conformity with his notice, that this bill be read a second time on this day six months. The facts of the case did not enter into his consideration; they might be thrown over as far as regarded the ground on which he meant to rest his proposition, although he entirely agreed in the remarks which his hon. and learned Friend had made upon them. He did not think that the slightest doubt could be entertained on the evidence adduced; but his objection to the bill was founded solely upon general principles. He felt deep sympathy for the Townshend family; they were suffering under severe hardships; but he also sympathised with other parties, and there never was a case more strongly proving the evils of the present system. Every body entertained the same opinion respecting the scandalous injustice of the law which would not give Lady Townshend a divorce. She was bound for life to a man whom she could not but loathe, and she had made every effort to escape from the marriage, but without success, for the courts would afford her no remedy. It was natural, then, that she should unite herself to a man towards whom she had discharged all the duties of an affectionate wife; but the question was to be discussed on different grounds to those of sympathy. He resisted the further progress of the bill, because it remedied, in an individual case, what was, in fact, a common wrong. The defect of the law which prevented the heirs of the Townshend family from having proper redress, applied to every man who had property in jeopardy from such an imposture as the present. It was a monstrous principle, and one which he apprehended the House would not sanction, that a remedy was to be granted to a Peer, and to a noble family, which would not be conceded to any other of the subjects of the State. The measure under consideration was perfectly unprecedented

—for that was claimed which had hitherto been granted to no human being. A Peer in this respect was no better than he was, and ought not to be placed in a better situation. Neither did it appear to him that this bill was necessary even for the purpose in view, because a general measure had been introduced into the House of Lords, founded upon the practice in Scotland, which would afford a remedy in cases of the kind to all the inhabitants of the three kingdoms. He moved that it be read a second time on this day six months.

The House divided on the question that the word “now” stand part of the question:—Ayes 153; Noes 49: Majority 104.

*List of the AYES.*

Ackers, J.	Douglas, Sir H.
A'Court, Capt.	Drummond, H. H.
Adare, Visct.	Duncombe, T.
Aldam, W.	Dundas, Adm.
Antrobus, E.	Dungannon, Visct.
Arundel and Surrey,	Egerton, W. T.
Earl of	Egerton, Sir P.
Bailey, J.	Emlyn, Visct.
Baillie, Col.	Estcourt, T. G. B.
Baillie, H. J.	Ferguson, Col.
Baring, rt. hon. F. T.	Fitzroy, Lord C.
Barrington, Visct.	Flower, Sir J.
Barron, Sir H. W.	Follett, Sir W. W.
Baskerville, T. B. M.	Forman, T. S.
Beckett, W.	Fox, S. L.
Beresford, Major	Fuller, A. E.
Bekeley, hon. Capt.	Gill, T.
Bernard, Visct.	Gladstone, Capt.
Blackburne, J. I.	Gore, W. O.
Borthwick, P.	Gore, hon. R.
Botfield, B.	Grosvenor, Lord R.
Broadley, H.	Hallyburton, Ld. J. F.
Broadwood, H.	Hamilton, J. H.
Brotherton, J.	Hamilton, W. J.
Bulkeley, Sir R. B. W.	Hampden, R.
Burrell, Sir C. M.	Hanmer, Sir J.
Busfield, W.	Hatton, Capt. V.
Byng, G.	Heathcote, G. J.
Byng, rt. hon. G. S.	Hepburn, Sir T. B.
Carew, hon. R. S.	Herbert, hon. S.
Cavendish, hon. C. C.	Hill, Lord M.
Chapman, A.	Hinde, J. H.
Chelsea, Visct.	Hindley, C.
Chetwode, Sir J.	Hodgson, R.
Childers, J. W.	Hogg, J. W.
Christopher, R. A.	Hope, hon. C.
Chute, W. L. W.	Howard, hon. C. W. G.
Clive, E. B.	Howard, hon. J. K.
Compton, H. C.	Howard, Lord
Corbally, M. E.	Howard, hon. H.
Cowper, hon. W. F.	Hussey, A.
Craig, W. G.	Ingestrie, Visct.
Dalmeny, Lord	Irton, S.
Damer, hon. Col.	Jermyn, Earl
Denison, E. B.	Jolliffe, Sir W. G. H.
Dickinson, F. H.	Jones, Capt.
Disraeli, B.	Knight, H. G.

Lascelles, hon. W. S.	Rolleston, Col.
Liddell, hon. H. T.	Round, C. G.
Lincoln, Earl of	Rushbrooke, Col.
Lockhart, W.	Russell, Lord J.
Lowther, J. H.	Sandon, Visct.
Mackenzie, T.	Sheppard, T.
Mackinnon, W. A.	Shirley, E. J.
Mahon, Visct.	Smith, A.
Mainwaring, T.	Smollett, A.
Mangles, R. D.	Stanley, E.
Manners, Lord C. S.	Stanley, hon. W. O.
Majoribanks, S.	Stanton, W. H.
Masterman, J.	Stewart, P. M.
Meynell, Capt.	Stuart, W. V.
Miles, P. W. S.	Sturt, H. C.
Mordaunt, Sir J.	Tennent, J. E.
Morris, D.	Thornhill, G.
Mundy, E. M.	Tollemache, J.
Neville, R.	Tufnell, H.
Paget, Col.	Vernon, G. H.
Pakington, J. S.	Vesey, hon. T.
Palmer, R.	Vivian, J. E.
Pechell, Capt.	Waddington, H. S.
Peel, J.	Walsh, Sir J. B.
Pendarves, E. W. W.	Wemyss, Capt.
Pennant, hon. Col.	Whitmore, T. C.
Plumridge, Capt.	Winnington, Sir T. E.
Ponsonby, hn. C.F.A.	Wortley, hon. J. S.
Price, R.	
Pringle, A.	TELLERS.
Pusey, P.	Wortley, J. S.
Roebuck, J. A.	Mackenzie, W. F.

*List of the NOES.*

Aglionby, H. A.	Lemon, Sir C.
Arkwright, G.	Mc Taggart Sir J.
Baldwin, B.	Mitchell, T. A.
Barnard, E. G.	Muntz, G. F.
Barneby, J.	Neeld, J.
Bowes, J.	O'Brien, W. S.
Bruce, Ld. E.	O'Connell, M. J.
Christie, W. D.	Ogle, S. C. H.
Clayton, R. R.	Parker, J.
Collett, J.	Pulsford, R.
Divett, E.	Redington, T. N.
Duncan, G.	Smith, B.
Ebrington, Visct.	Smith, rt. hn. R. V.
Escott, B.	Somerset, Lord G.
Fielden, J.	Stansfield, W. R. C.
Ferrand, W. B.	Strickland, Sir G.
Forster, M.	Strutt, E.
Greene, T.	Tancred, H. W.
Hastie, A.	Thornley, T.
Hawes, B.	Trelawney, J. S.
Henley, J. W.	Vivian, hon. Capt.
Hodgson, F.	Wawn, J. T.
Hutt, W.	Wood, C.
James, W.	TELLERS.
Labouchere, rt. hn. H.	Buller, C.
Langston, J. H.	Elphinstone, H.

Bill read a second time, and referred to a select committee.

DANISH CLAIMS.] Mr. *Hawes* moved pursuant to notice,

“That this House will on Wednesday next,



resolve itself into a committee, to consider an Address to her Majesty, praying that her Majesty would be graciously pleased to advance to the claimants for losses sustained by the seizure of British ships and cargoes by the Danish government in 1807, the amount of their respective losses, as ascertained by the commissioners appointed for the investigation of Danish claims, and reported upon the 12th day of May, 1840, and assuring her Majesty, that this House will make good the same."

Mr. H. Hinde seconded the motion.

The *Chancellor of the Exchequer* said, that in order to make the case of these claims intelligible, he would briefly state the circumstances out of which they arose. War was declared by this country against Denmark in 1807. It was declared under peculiar, though not unprecedented circumstances. It was necessary to remind the House, that the weakness of the Danish government made it impossible for that power to offer any resistance to any demand to give up its fleet. In consequence of the information which it received, the Government of this country demanded of Denmark, that she should give up her fleet to Great Britain, and on her refusal to do so, this country commenced an attack on the capital and arsenal of Denmark. Thereupon the Danish Government very naturally declared that they were at war with England, and they proceeded to adopt the ordinary measures of war. In addition, the Danish government resorted to extraordinary measures, for the purpose of obtaining the possession of the property of British subjects, and of thus annoying this country. In the first instance, the Danish government compelled all its subjects, who were indebted to British subjects, to pay the amount of their debts into the Danish treasury, and then confiscated the property for the service of the Danish Government. In the next place, the Danish government seized all the property belonging to British subjects within the limits of their territory, which was equally confiscated for the service of that country. These measures, not of an ordinary character, the Danish government also resorted to the uniform practice in maritime warfare, and issued letters of marque, and captured British ships and merchandise. On the cessation of the war, no provision was made for compensating the parties whose ships and merchandise were thus seized; and for nineteen years after the conclusion of peace, being twenty-seven years after the commencement of the war in which these captures were made, no application was made either

to the Government or to Parliament by the parties whose property was so seized and confiscated; it being during all that time considered that such captures made upon British subjects during war, were not matters for which the Government ought to give compensation, but that it was a loss which must be sustained by the individuals themselves. In 1834, however, a distinction was drawn between the several grounds of claim which had been urged upon the Government. It was stated; that these claimants might fairly be divided into two classes—one, those who were the sufferers from the ordinary operation of war, on whose behalf it would not be attempted to make any claim; and the other class, those who suffered from the unusual application of the rigours of war, and whose property, under the ordinary system of warfare, and by the law of nations, would not have been subject to seizure, and, upon that distinction, the Government of that day (1834) acted. Lord Althorp entertained the claims in that limited sense; but so anxious was he to guard himself against being liable for the payment of the sums now claimed, that in the minute prepared by the council it was stated that:—

"My Lords were aware that claims had been and still might be preferred for the losses sustained by the acts of the Danish government, which were in conformity with the ordinary usages of war, and recognized by the law of nations; but, my Lords, were not under any circumstances to be considered to admit that any such claims should be entertained."

Lord Althorp, therefore, acquiescing in the two first classes of claims, distinctly declared that he was not prepared to assent to the third class. The present application was for compensation for the ships and cargoes which were captured at sea after the declaration of war by Denmark against this country, and at a time when there was no doubt the two nations were engaged in war; and it was to the payment of these claims which he (the *Chancellor of the Exchequer*), like others who had preceded him in the office which he had the honour to fill, was prepared to offer the most determined resistance. He might subject himself to the imputation of being harsh against the individuals who were represented as objects of compassion, yet holding the office which he now held, he considered it to be one of his first duties to protect the public purse against claims which ought not to be preferred. Following the ex-

ample of his predecessors, he opposed the present claims, and he trusted the House would make that opposition effectual. Hon. Members must not consider this as an insulated case. This was only one of many cases which would be brought forward if the present should be successful. The question at issue was not merely the amount of the sum claimed, 225,000*l.*, though that itself was a point sufficiently serious under the present state of the country; but, whether they should abandon the principle on which, in all wars heretofore, the Government had acted, and make a new rule that all captures which should hereafter be made should be the subject of compensation, and that the parties should be indemnified by the public. — Nay, more — the question was, whether in all antecedent wars, those who had suffered losses from captures should be reimbursed the losses they had sustained. For if the present motion and claims were acceded to, all parties who had ever sustained losses in warfare would be equally entitled to compensation with those who were now the claimants on account of the war with Denmark. Every argument which the hon. Gentleman had used in support of the present case would equally well apply to all other similar cases of loss. The hon. Gentleman said the war with Denmark was unjust in itself. But was that to be admitted as an argument peculiar to this case? Might it not be urged in reference to all other wars in which this country might be engaged. The hon. Gentleman had also adverted to the ignorance on the part of the merchants whose property was seized of there being any war with Denmark. But would the hon. Gentleman restrict the discretionary power of the Crown as to the mode of conducting hostilities by requiring every step that it was considered proper to take to be previously announced to the merchants of this country? If the principle of the hon. Gentleman should be adopted, it would vastly increase the expense of all warlike operations. If this rule as to the uncertainty of the occurrence or existence of a war were to be recognized as a ground for compensation, he (the Chancellor of the Exchequer) knew no war to which it might not be made applicable. The hon. Gentleman urged another topic, and one on which he mainly relied — namely, that the amount of the property which was taken from the Danes, by the seizure of their ships in the British ports, was such

as to afford ample funds out of which compensation might be made. But this argument he did not think one whit more tenable than the other arguments of the hon. Gentleman. In every war all amounts of property that were captured became the property of the Crown. In ordinary cases, the Crown assigned such property for the benefit of the captors, but the argument was not altered by a different assignment of the property. It was on these grounds, that he hoped the present House of Commons would support him in the fulfilment of his duty in resisting the claim on the public purse, which he considered was not founded in justice or right, but, if admitted, would lead to a violation of the principle on which the whole maritime wars of Europe had been for ages carried on — which would involve this country in unlimited expense in all future wars.

The question having been put,

Mr. *Hawes* said, the right hon. Gentleman had not fairly grappled with the argument which he addressed to the House the other day. He did not bring this forward as a private question. He considered it to involve a great question arising out of the public policy of this country, and calculated seriously to effect great injury to the merchants of this country. Under all the circumstances, those merchants were, in his opinion, entitled to come to the House, and ask for that compensation which the Government had refused to them. Upon what ground did he resist these claims? The right hon. Gentleman said that these seizures were made in time of war. He would ask the Attorney-general to meet him on this ground, and he would refer him to the case of the ship *Orion*, where Sir W. Scott declared the ship was not a *droit* of the Crown, inasmuch as, on the 10th of October, no declaration of war had been made. How could these two things be consistent with each other? Mr. Canning, in 1807, when this subject was discussed, said that the British Government had purposely delayed a declaration of war, in the hope of continuing amicable negotiations with Denmark, and that the whole character of our transactions with Denmark was one not of war, but to avoid war. This country sent an armament to the shores of Denmark — for what? To prevent war. Lord Cathcart and Admiral Gambier, who went on that expedition, made a declaration to this effect — “we come here, not for the purpose of making war, but as negotiators.” These



seizures took place prior to a declaration of war, and after a vast fund—not less than 1,300,000*l.*—had been realised by the Government of this country, by the seizure of Danish property in the British ports. He would remind the House that Dr. Lushington and the present Attorney-general had both declared that these claims were just and reasonable. The Solicitor-general, too, had given an opinion to the merchants of London, that these were just and equitable claims, and yet, in his place in Parliament, the hon. and learned Gentleman had sat quietly by, and heard those claims declared to be unjust, and not to be admitted. The right hon. Gentleman had referred to the American war; but America made a declaration of war. That was not the case with Denmark. The ground he stood upon was, that this was a most peculiar and special case, and which could not, by possibility, be made to bear a resemblance to any other case. There was no precedent like it; he, therefore, felt that these merchants were equitably entitled to have their claims considered by Parliament. The right hon. Gentleman had said, that if these claims were granted, it would materially increase the expense of war. Well, to that he had no objection. Let the Ministers be more careful before they went to war; and if the expense of the war was increased by just claims, it ought to be no reason for rejecting those claims. It was a very good check upon war that it should be expensive. He thought that it was a matter of the greatest injustice to the British merchants to refuse assent to such a proposition.

The *Solicitor-General* said, the hon. Gentleman had been pleased to refer to an opinion which he (the *Solicitor-General*) was alleged to have given respecting these claims, and in which he declared the justice of them. Now, that opinion, such as it was, depended entirely on the case put before him. Since, however, the real facts of the case were put before him, he had never had the slightest doubt as to the want of foundation for these claims. A few years ago, the matter was brought before the House by his learned Friend, Mr. Justice Cresswell, who had asked him to support them; but on hearing the case in that House, he was not satisfied that they had been made out, and he therefore considered that the Government of that day was right in resisting them. The reason urged by Lord Althorp for opposing these claims, he conceived to be very sound. That noble

Lord said, that with respect to the two first classes of claims the seizures had not been made in conformity with the law of nations, and as the Government at the period of the peace had not made a demand for reparation from Denmark, that, therefore, in justice, the amount must be paid by this nation. As for the third class of claims which had reference to the seizure of ships, it was considered that that took place in conformity with the law of nations, and that, therefore, there was no ground for looking to the English Government for compensation. The hon. Gentleman was under a misapprehension as to the period when the declaration of war was issued by the Danish Government. That Government made the declaration of war against this country so early as the 16th of August, and all the captures of ships, for which compensation was now demanded, took place subsequently to that declaration. The English Government suspended its declaration of war until December, as it was in hopes of negotiating successfully. There was an analogous case to the present with regard to the late war between this country and the United States. The American government declared war with England some months before the English Government issued its declaration, which was withheld in the hopes of settling the matters of difference by negotiation. All these ships, then, he had no hesitation in saying, were justly seized according to the law and the rights of nations. The hon. Gentleman was also misinformed as to the manner in which the money received from the Danish Government was appropriated. The money received from Denmark was appropriated immediately to public purposes, and the amount received was not more than sufficient to pay the two first classes of claims. If the House agreed to the proposition of the hon. Gentleman, it must take 250,000*l.* from the public revenue of the country.

Mr. *Hutt* observed, that the whole question turned upon the period of the declaration of war. He considered, that the hon. and learned Gentleman was altogether mistaken in saying, that the Danish declaration of war was made on the 16th of August. The paper which the hon. and learned Gentleman represented to be a declaration of war, was nothing more than a proclamation of the Danish government informing the people that a British force was on the coast.

Mr. *Aglionby* said, that the whole ques-

tion rested on the interpretation of the paper referred to; and his opinion was founded on the judgment of Sir W. Scott in the case of the ship *Orion*, which was taken two months subsequently to the date of the proclamation, or alleged declaration of war, and was ordered by him to be discharged, as it was not regularly served.

The House divided—Ayes 42; Noes 57:  
—Majority 15.

#### List of the AYES.

Aglionby, H. A.	Masterman, J.
Aldam, W.	Mitcalfe, H.
Attwood, M.	Mitchell, T. A.
Baldwin, B.	Morison, Gen.
Barnard, E. G.	Muntz G. F.
Borthwick, P.	Neeld, J.
Bowes, J.	Ogle, S. C. H.
Bowring, Dr.	Ord, W.
Broadley, H.	Polhill, F.
Chapman, A.	Ramsbottom, J.
Crawford, W. S.	Sheppard, T.
Duncan, G.	Sibthorp, Col.
Duncombe, T.	Smith, B.
Dungannon, Visct.	Strickland, Sir G.
Felden, J.	Vivian, J. E.
Forster, M.	Wawn, J. T.
Gill, T.	Wood, G. W.
Hanmer, Sir J.	Worsley, Lord
Heathcote, J.	Yorke, H. R.
Hodgson, R.	
Hutt, W.	TELLERS.
Mackenzie, T.	Hawes, B.
Martin, J.	Hinde, H.

#### List of the NOES.

Ackers, J.	Hepburn, Sir T. B.
Adderley, C. B.	Herbert, hon. S.
Baring, hon. W. B.	Hope, hon. C.
Baring, rt. hon. F. T.	Hope, G. W.
Beckett, W.	Ingestrise, Visct.
Bentinck, Lord G.	Jermyn, Earl
Berkeley, hon. Capt.	Knatchbull, rt. hn. Sir E.
Boldero, H. G.	Lincoln, Earl of
Brotherton, J.	Lockhart, W.
Clerk, Sir G.	M'Taggart, Sir J.
Corry, right hon. H.	Mainwaring, T.
Damer, hon. Col.	Meynell, Capt.
Dickinson, F. H.	Miles, R. M.
Escott, B.	Mordaunt, Sir J.
Fellowes, E.	Nicholl, rt. hon. J.
Flower, Sir J.	Patten, J. W.
Follett, Sir W. W.	Peel, rt. hon. Sir R.
Forman, T. S.	Peel, J.
Gordon, hon. Capt.	Pollock, Sir F.
Goulburn, rt. hon. H.	Repton, G. W. J.
Graham, rt. hn. Sir J.	Russell, Lord J.
Greene, T.	Smith, rt. hn. T. B. C.
Hamilton, Lord C.	Smollett, A.
Hardinge, rt. hn. Sir H.	Somerset, Lord G.
Henley, J. W.	Stanley, Lord
Henniker, Lord	Stanton, W. H.

Sutton, hon. H. M.	Young, J.
Trench, Sir F. W.	TELLERS.
Wellesley, Lord C.	Fremantle, T.
Wortley, hon. J. S.	Pringle, A.

TRIENNIAL PARLIAMENTS.] Mr. S. Crawford rose to move for leave to bring in a bill to repeal the 1st of George 1., stat. 2, cap. 38, for extending the duration of Parliament to seven years. He limited his proposition to the mere repeal of this act, because he considered that to confine the duration of Parliament even to three years would be a vast improvement on the present system. Looking over the progress of legislation on this subject, it appeared that in the 34th and 36th of Edward 3rd, it was provided that annual Parliaments should be held. In the 16th of Charles 2nd, it was enacted that Parliaments should not be intermitted for a longer period than three years. The 6th of William and Mary, cap. 2, provided that the duration of Parliaments might be for three years. Next came the 1st of George 1st, stat. 2, cap. 38, enacting that Parliament might continue for seven years. In his opinion it was impossible to defend that act, continuing for seven years, as it did, the duration of the then House of Commons. Such an enactment was adverse to the liberty of the people. The effect of repealing it would be to leave the law as it stood under the 6th William and Mary, or to render three years the utmost extent to which a Parliament could continue without a fresh election; and though that was very far short of what he could wish, he was willing to test the feelings of the House on that question. No man, in his opinion, had a right to retain the name of a reformer who was not prepared to agree to this, but in putting forward the proposition he wished to be understood as in no degree abandoning the principle of annual Parliaments. The people called for reform they stated the grievances which they suffered for want of these reforms, and principally for want of being fully represented in the House of Commons. He wished, therefore, to amend the representation of the people so far as the duration of Parliament was concerned. It had been objected that practically the duration of Parliaments was shorter than the legal duration. That might be, but it did not operate to impose responsibility on the representatives of the people; for they were elected on the supposition and in the hope that they might keep their seats for seven years. The truth was, there could not be any due representation or responsibility, except the



representative always felt himself subject to the control of his constituents. Being anxious to preserve the constitution of this country, he wished to see the Government and the House adopt his proposition, and accede to the wishes of the people, and he was convinced that in so doing they would render the most effectual support that could be given to the constitution and monarchy of this country. The hon. Member concluded by submitting his motion to the House.

Dr. *Bowring* was very happy to second the motion. Any proposition which went to subject the representatives to popular control out of doors should always have his support. He congratulated the hon. mover on the indomitable courage he displayed in bringing on this subject again and again in spite of defeats.

Sir *J. Graham* could not agree with the deductions the hon. Gentleman drew from the facts he stated. The proposition in the reign of Edward 3rd, was not whether Parliaments should continue for three years or seven years, but whether there should be any Parliament at all. The act of William and Mary merely provided that there should be a Parliament once in three years at least. Then, the act which the hon. Gentleman sought to repeal extended the duration of Parliament to seven years. The hon. Gentleman surprised him by saying that seven years was a duration inconsistent with public liberty. The hon. Gentleman must have forgotten that the Septennial Act was passed to secure the liberties of the people, and that it was doubtful whether the succession of the present Royal family could have been perpetuated unless the Septennial Act had passed. On the whole he considered it for the public advantage, that a duration of considerable extent should be given to a public assembly. For the first or second year of a new Parliament there would be manifest, among new Members, a want of experience and knowledge of the habits of the House and forms of business, which could only be acquired by time, and without which they could not render their talents fully available for the public service. If Parliaments really lasted for six or seven years, he should think that much too long, but the hon. Gentleman admitted that the duration practically was much short of seven years. He did not think that for the last twenty years the average duration of Parliaments was more than four years each. The hon. Gentleman, how-

ever, contended that the more limited period would have the moral effect of increasing the responsibility of the representatives to their constituents; but surely the practical reduction to four years during the last twenty ought to be considered stringent enough as respected the representative. It should be remembered that the whole representative system had undergone a material change at the passing of the Reform Bill, when the franchise was greatly extended and rendered more democratic in its principle. It was not at that time proposed to make any alteration with respect to the duration of Parliament, for though the noble Lord who led that House under the administration of Earl Grey stated that he himself would not be indisposed to lessen the duration still, upon the whole, the Government denied that such a proposition would be expedient, seeing the large extension of the suffrage which the measure proposed. It was but a short time since a most important settlement of the representation took place, and with all respect for the hon. Gentleman who brought forward this question, he having reason to think that the proposition did not carry with it the general feelings of the House, at first doubted whether to reply or allow the motion to go at once to a division.

The House divided — Ayes 23; Noes 46: Majority 23.

#### *List of the AYES.*

Barnard, E. G.	Napier, Sir C.
Bowes, J.	Protheroe, E.
Bowring, Dr.	Ramsbottom, J.
Brotherton, J.	Smith, B.
Cobden, R.	Tancred, H. W.
Duncan, G.	Turner, E.
Fielden, J.	Villiers, hon. C.
Hastie, A.	Ward, H. G.
Hawes, B.	Wawn, J. T.
Heathcoat, J.	Yorke, H. R.
Langston, J. H.	TELLERS.
Mitcalfe, H.	Aglionby, H. A.
Mitchell, T. A.	Crawford, S.

#### *List of the NOES.*

Ackers, J.	Dungannon, Visct.
Arbuthnot, hon. H.	Eliot, Lord
Attwood, M.	Escott, B.
Baillie, Col.	Flower, Sir J.
Baring, hon. W. B.	Forman, T. S.
Beckett, W.	Gladstone, rt. hn. W. E.
Berkeley, hon. Capt.	Gordon, hon. Capt.
Boldero, H. G.	Goulburn, rt. hon. H.
Borthwick, P.	Graham, rt. hn. Sir J.
Boyd, J.	Greene, T.
Chapman, A.	Herbert, hon. S.
Corry, rt. hon. H.	Hodgson, R.
Darby, G.	Hope, hon. C.

Hope, G. W.	Smith, rt. hn. T. B. C.
Knatchbull, rt. hn. Sir E.	Smollett, A.
Lockhart, W.	Stanley, Lord
Masterman, J.	Stanton, W. H.
Patten, J. W.	Trench, Sir F. W.
Peel, rt. hn. Sir R.	Vivian, J. E.
Peel, J.	Wood, C.
Plumptre, J. P.	Worsley, Lord
Pollock, Sir F.	
Pringle, A.	TELLERS.
Russell, Lord J.	Fremantle, Sir T.
Sheppard, T.	Baring, Il.

## EMPLOYMENT OF TEN-GUN BRIGS.]

Captain *Berkeley* rose, according to notice, to call the attention of the House to the inexpediency and danger of employing the old class of ten-gun brigs under commanders, and re-establishing them as sloops of war in her Majesty's navy. He would first show the inexpediency, and next the danger, of employing the old class of 10-gun brigs under commanders, and re-establishing them as sloops of war; and he would contrast the authorities which upheld the re-establishment with the authorities who held an opposite opinion. A civilian, however high his attainments, or however great his talents, could not, from the mere fact of his being the First Lord of the Admiralty, know as much of naval matters as those who devoted themselves to that profession, and though the hon. Member for South Wilts, who would probably reply to him, might be able to offer an opinion as to the class of vessels which might be fit to sail around the Isle of Wight, it was not to be supposed that he was acquainted with the nature of the vessels or the burthen they could bear which were compelled to breast the waves of the Atlantic. He would rather take the hon. Gentleman's opinion as to the speed of a racehorse carrying a prescribed weight. It was of importance to ascertain whether the bringing of these vessels into operation with increased complement of men and stores accorded with the opinion of the Board of Admiralty, or was a measure concocted not at the Board but in a private room. It would be desirable to see what was the opinion of the naval Lords, and also what was the opinion of Sir W. Symonds, the surveyor of the navy; but during the time that the Admiralty was respectively presided over by Sir J. Graham, Lord Auckland, and Earl Minto, Sir W. Symonds then being surveyor of the navy, these 10-gun brigs were considered unfit for such service.

He regretted the absence of the Home Secretary from the House on the present occasion, as he hoped to be fortified by his opinion; but he had the opinion of three Admiralty boards to one against the employment of those 10-gun brigs as sloops of war under commanders. He would say nothing as to naval men which might be considered invidious, but there was on one side Sir G. Cockburne, Sir W. Gage, and Sir G. Seymour; on the other side Sir C. Adams, Sir W. Parker, Admiral Dundas, Admiral Elliot, and Sir J. Pechell, and he would ask, upon which side should opinion preponderate? There was one other name to whose opinion great weight should attach—namely, the late Sir T. Hardy, with whom he had served from a midshipman upwards to a place in the Admiralty, and upon whose opinions his own had been formed. There were, then, three Boards of Admiralty, and the same Gentleman who at present held the post of surveyor of the navy, who were adverse to the present plan, and condemned using the ten-gun brigs for the purposes now proposed. In opposing the measure, he was influenced by no political or party feelings, but by a wish to prevent serious calamity. When Sir J. Graham was at the head of the Admiralty board, it was at first deemed necessary to use these ten-gun brigs, but not under commanders. Some were placed under lieutenants after great reductions had been made to render them lighter and more buoyant, but the experiment had not succeeded. Some few, however, had been altered to brigantines, and had answered tolerably well. If he should be told that a point of etiquette was involved in this matter, he would ask, why not give officers employed on the coast of Africa a local rank, and thus get rid of the point of etiquette? There was another thing to be taken into consideration. They were going to send these vessels—the ten-gun brigs, to cope with their great rivals, the Americans, in the suppression of the slave-trade. Did they think that the Americans would send inferior vessels on that service? No; and the result would be that the slaver and the American vessel would run the ten-gun brig out of sight. Nothing but mortification and vexation would be left to the British officers and men, and the Americans would reap all the harvest. In a late speech delivered by Mr. Webster, that gentleman expressed a hope



that the American vessels would never meet the English under inferior circumstances. Yet the English Government were going to send out this condemned class of vessels, which were not able to fight, sail, or even to swim, to cope with the American vessels in rivalry of seamanship. He had received several letters from naval officers, expressing their opinion as to the utter inefficiency of the ten-gun brigs. One of the writers observed, that he looked back with horror at the six months in which he had been employed in them. It was known from public report and public documents, that the Americans denied the right of the English to search their vessels. Supposing a ten-gun brig was cruising in company with an American for the suppression of the slave-trade. The slaver would run away, chased by the American, and would soon lose sight of the English vessel. The slaver, then, would hoist the English colours, calculating that the American would respect that right, which in his own case he contended for, and would not dare to board him. The returns which he had moved for did not allow him to speak with confidence on the subject; but he believed that there were five good vessels at Devonport, that might be employed on this service. Why, then, should British officers and men be sent out in the detestable class of vessels of which he was now complaining? So much for the inexpediency of employing the old class of ten-gun brigs; and he would now advert to the danger which was likely to arise to the health of the crews they were going to put in them. According to intelligence he had received from Plymouth, L'Espoir had been commissioned by a commander, with two lieutenants, and a crew of eighty men; and he had since heard that the carpenter's and purser's cabins had been diverted from their original use in order that greater accommodation might be made for the crew; but would the House believe it possible that eighty men could be accommodated in such a vessel? Supposing the crew only numbered sixty-five—he would go as low as that—in what space did the Board of Admiralty propose to put in vessels of an inferior class, sixty-five individuals, on the coast of Africa, where the thermometer stood at eighty, and sometimes above ninety—where an awning was obliged to be spread over the vessel, preventing the free access of the air into the interior. The whole length of the brig

was from forty-eight to fifty feet, and its extreme breadth only twenty-four feet, and in this space allowance must be made for a store-room, a sail-room, and for a place to cook provisions for the ship's company. If a commander of such a vessel got to serve under him a few fine British sailors, such as captains liked to see in their vessels, from five feet ten inches to five feet eleven inches high, how could they live? Why the height from the deck to the beam above their heads was four feet, six inches, and in that space they could neither walk nor stand. In one of these vessels, the space was so small, that the officer took away the tables, and made his men mess on the ground. The objection to the employment of these vessels was still greater on the score of their danger. He held in his hand an official return, showing the number of men-of-war and packets lost between 1816 and the present time. He found that the whole number lost was twenty-two; and exactly one-half of these—namely, eleven, belonged to that class of vessels which he was now endeavouring to induce the House to condemn, five of them having been employed as sloops of war, and six as packets. By the same return, he found that six others of the vessels lost were of an inferior description to these, ten-gun brigs, leaving five only to account for of a class superior to the ten-gun brigs. Of these five, two were wrecked on shore, leaving only three that foundered at sea, while of all the ten-gun brigs that were lost, not one went on shore, or was lost by coming in contact with rock or shoal, but every one foundered and all hands perished. With this fact before them, would they re-employ these brigs in the service as sloops of war? It might be asked that if these vessels were so extremely dangerous, how was it that men and officers were obtained to serve in them? To such a question he would answer, that wherever an enemy was pointed out, and wherever promotion was shown, there British sailors and officers would go. He also said, that a British officer durst not—could not—refuse to take the command of anything he might be appointed to; and the character of British sailors was such, that wherever officers went the men would follow. On the score of humanity he thought he had said enough to induce the House to accede to the motion with which he should conclude, and if hon.

Members were all members of the naval profession he had no doubt he should carry it. The gallant men they were about to send out in these vessels feared no danger but he begged the House to imagine what would be the feelings of those whom these gallant men left behind them what would be the feelings of their children and families, when the winter blast was howling about their dwellings on shore, and bringing to their minds all the perils which their friends and relatives were exposed to on the wide ocean? The hon. and gallant Member concluded by moving the following resolution :—

“That, after the lamentable loss of life which experience proves to have taken place in vessels of the class of old ten-gun brigs, this House views with apprehension the re-employment of such vessels in circumstances of increased danger, arising from the additional complement of officers and men, with the greater weight of provisions and stores thereby rendered necessary, and which it is now proposed to place in them.”

Captain *Pechell* seconded the motion, and said, he was anxious to know on what grounds the Board of Admiralty could refuse its consent to the reasonable and moderate proposition of his hon. and gallant Friend. It was lucky for the Board that the Navy Estimates had been gone through, without this subject and others of equal interest having been pressed upon the attention of the House. It had been shown by his hon. and gallant Friend that to send these ten-gun brigs to rival the American vessels employed on the coast of Africa would be ridiculous, and only tend to disappointment and dissatisfaction in the minds of the officers and men sent out in them. These vessels had already been employed in the suppression of the slave-trade, and a reference to their log-books now lying in Somerset-house, would show that the officers who had commanded them had suffered the deepest mortification, and they had never succeeded in capturing a slave-ship, except by some accident, or by the aid of their boats. He thought he could show by one single instance the distress and mortification suffered by officers in command of these ten-gun brigs. One of them, commanded by an officer whom he would not mention lest it might interfere with his claims, gave chase to a slaver well laden with slaves, and whose sailing was greatly deteriorated by the weight she had on board; still,

after a chase of eight or ten hours, the slaver was lost sight of. The next day the ten-gun brig fell in with a vessel built by Sir W. Symonds, and this vessel pursued the slaver, though she had been lost sight of for twenty-four hours, and after thirty-six hours' chase, captured her. This was a great mortification to the officers and crew of the brig. These facts were well worthy of consideration. What excuse could be offered for sending out these vessels again, he was at a loss to know, especially when there were other vessels both in the Mediterranean and the West Indies, better calculated to do credit to the service of this country in its rivalry with the American flag. Why should the officers and men be so again employed, when it had been shown that the service in them was most disadvantageous. Why send them out in these wretched vessels, which were a laughing-stock to all the slavers? The old ten-gun brigs were as well known on the coast of Africa, as the race horses at Epsom or Newmarket. It had been truly said, that they could neither fight nor run; they had brought great discredit upon those who had constructed them, and they would reflect greater discredit upon those who should persevere in again sending them out to this station. But again, as his hon. and gallant Friend had asked, why not give the officers employed local rank and double pay as France did? But what was done in England? Why, you gave to an engineer of a steam-vessel increased allowances, and then in came the Chancellor of the Exchequer and attacked those increased allowances by levying the Income-tax upon him. This intention of renewing the ten-gun brigs was part and parcel of the system pursued by those who in 1818 and 1819 ruined the most beautiful class of vessels in the British service. His hon. and gallant Friend had spoken of the release of the officers from these ten-gun brigs being regarded as an escape. That might be true; but it was an escape to one of the jackass or donkey frigates so much complained of. He had gone through the ordeal of service in both, and if he could believe that the Board of Admiralty, after the speech of his hon. and gallant Friend—after the well-known feeling of the country upon this subject, should return to this system, he thought, if it were possible to impeach the first Lord of the Admiralty, he would



deserve it. Was it not melancholy that in 1843, after Sir W. Symonds had cleared out all the nuisances of the Navy Board at Somerset-house, the old system should be restored? He trusted, however, that the rumour had been got up as a hoax, and should so think, until assured of the reverse by the hon. the Secretary to the Admiralty.

Captain *Gordon* said, he was not himself aware (and he had not learned from his hon. and gallant Friend) that there was anything in the present circumstances of these vessels that they were to be considered less safe now than in the twenty or thirty years during which they had been employed in all parts of the world. Now, for himself, he confessed he entertained no such apprehensions as those expressed by the hon. and gallant Members opposite; and as he found in the *Navy List* several vessels of this class, he presumed that the opinion of former Boards of Admiralty was not quite so strong against them as his hon. and gallant Friend seemed to think. He would therefore ask, supposing vessels of this description were required for an important and delicate service, whether the Board of Admiralty would be justified, with such vessels at their disposal, to leave them unemployed, and the service unprovided for? He confessed he thought the board would not be justified in taking such a course; and it also appeared to him that the tropics, where the weather was calm, light, and moderate, were just the place these vessels were calculated for, and where they could render the greatest service; but his hon. and gallant Friend had talked of the changes made in these vessels. He was aware that some alteration had been made in them at different times; but he could only say, if they were to be employed in an important and difficult service, it was highly desirable, if not absolutely necessary, that they should be both well manned and efficiently officered for a service in which so much discretion was required; and if, therefore, that class was to be employed, it could not be sent to any place where it would do greater service than that station, to which he believed that a single vessel was in commission and about to go. His hon. and gallant Friend had mentioned the many losses there had been of this class of vessels; but he believed the greater part of the losses had taken place when they had been employed as packets, and

which, he must also observe, principally arose from the deficiency in the number of men to take in sail or to act in case of emergency. It had been said that the vessels would be very much crowded; but this was not new—these vessels had been employed thirty-years ago, and then they had full as many men as they had at the present moment. He much regretted the absence on the present occasion of his right hon. and gallant Friend the First Naval Lord, whose extensive experience and knowledge upon the subject would, he was sure, have had great weight with the House; he, however, trusted that the House would not be disposed to interfere with or come to a decision as to what description of vessels ought to be employed on the different stations, but would leave it to the Executive, which was responsible for the vessels employed; and, therefore, without entering into details, he should oppose the motion which his hon. and gallant Friend had brought forward.

Captain *Plumridge* begged to say a word or two on the present occasion, especially as he had so long filled the duties of inspecting the packet station at Falmouth. He could state that during six or seven years the loss of these gun-brigs had averaged one in each year, and the total number of souls who had been swept into eternity by those losses was 234 during a period of seven-years. With regard to sending out 10-gun brigs against the slavers, it was like sending an elephant to catch a hare. As to the feeling of the public with regard to those packets, it was proverbial that passengers inquired, "Is your next packet one of the coffins or one of Symonds's vessels?" His duty had been to examine all, and he could state not only that they were well officered, but had been well managed by officers and men both by day and night. On the whole, the sooner this class of vessels was either sold, or got rid of in some manner, the better.

Mr. *S. Herbert* said, as charges had been advanced against the Board of Admiralty though the hon. and gallant Member who moved had said he did not wish to cast a censure on the Board, and as the hon. and gallant Member who succeeded him had improved the proposition, and had even talked of impeachment, he hoped he might be excused if he made a few observations to show these charges to be utterly and entirely unfounded: He hoped

the House would bear in mind, that he, though a civilian, spoke the sentiments of officers in the naval service as high in reputation, (and he spoke not in disparagement) as those quoted by his hon. and gallant Friend. The charge of the hon. and gallant mover amounted to this—that though experience had shown that ten-gun brigs were dangerous, and that they were a bad class of vessels to be employed in this service, and that though certain Boards of Admiralty being so convinced, had gradually declined to use them, and had subsequently almost precluded them from service, or, if they employed them, did so under precautions that rendered them safe, the present Board, having at its disposal a better class of vessels, had wantonly gone back and resuscitated and re-employed them, in direct contradiction to the views and opinions of the Admiralty Boards by whom they had been preceded. This charge was founded, from beginning to end, upon misconception; and if the hon. and gallant Member had waited until the information laid upon the Table last week had been printed, he would have seen that such was not the fact. The hon. and gallant Member had said, that former Boards had wholly condemned the employment of this class of vessels. That might be so; but there were many officers of great distinction who had commanded ten-gun brigs, who said, that although not to be compared to the class substituted for them, still, their great defect was, that they were slow sailers. The only question, then, now at issue was, as to the danger of the employment of this class, and by that employment, the neglect by the Admiralty of the interests of the service. The hon. and gallant Member stated that the late Board refused altogether to employ them. [Captain *Berkeley*: Not altogether, but to employ them with commanders, and a full complement of men.] He begged pardon; but still he thought he understood the hon. and gallant Member right, for he admitted the late Board had employed them as surveying vessels with commanders on board, but the hon. and gallant Member forgot to mention that one of them so employed went round Cape Horn. It had also been urged that these vessels would be dangerous because of the increased weight on board, arising from the fact of a commander being on board. Now, it so happened, that if the hon. and gallant Member had waited till the returns were printed, he would have seen that with a commander, as proposed, there was proposed only an addition of one man in

five over the existing complement where a lieutenant was in command, and, in fact, by the diminished number of guns and stowage, the weight on board will be one ton less than when the hon. and gallant Member was a Lord of the Admiralty, and not more, as stated by the gallant Officer. The gallant Officer had made a mistake between the old class of ten-gun brigs and the present vessels. From 1808 to 1832, four of the present class of ten-gun brigs had been lost as men-of-war, and three had foundered as packets. Those which had foundered as packets, were differently rigged, had three masts, and were not safe from carrying a press of sail, with a very insufficient complement. As to the weight carried by these brigs, many gallant Officers of previous Boards had sent these brigs to sea with the same weights. He thought he had shown that the gallant Officer was mistaken in saying, that they had resuscitated the ten-gun brigs. They were, in fact, reduced in number, and not half the number were employed by the present Board that were employed by the Board of which the gallant Officer was himself a Member, and superior vessels were building to supply their place, and he hoped, that they would soon be out of the service altogether, not because they were dangerous, but because they were comparatively slow vessels, and, therefore, comparatively inefficient. It was a pressure on the service which induced the Admiralty to commission three of these vessels though having a less armament and with the same weights. As to the charge of appointing commanders instead of lieutenants to these brigs, it was important that an officer of some standing should be employed in such service, involving intricate questions of international law, looked on as it was with great jealousy, and the cause sometimes of very great irritation. No one could say, that it was not important to put officers of rank in command of these vessels, and to secure their being officers to command the boats, and boarding parties detached from them. He should conclude with moving the previous question.

Sir *Charles Napier* observed, that whenever the Admiralty got into any scrape, owing to their own ignorance, impropriety, or obstinacy, they always seemed to expect that the House would not interfere with them, or, as it was said, take the business out of the hands of the executive government. Now he thought that prevention was much bet-



ter than cure, and whenever they saw an improper thing done by the Admiralty, he conceived it to be the duty of every Gentleman to correct the evil, before it could be attended with any very bad results. Why should not the Admiralty be thus reprov'd? Did they not see the right hon. Baronet (Sir James Graham) found fault with in that House? Did they not even find the head of her Majesty's Government found fault with? Did they not find the noble Lord at the head of the colonies very often found fault with? and why then, in the name of God, when the Admiralty went astray by its own folly, was it not to be found fault with? and this, when it so happened, that, from time to time, and year after year, it had been committing errors, at least, he could say to his knowledge, ever since he had the honour of entering into her Majesty's service. The gallant officer, the Lord of the Admiralty, had pointed to the propriety of sending out ten-gun brigs to the coast of Africa, and why so? Because the gallant Officer said, that there was a fine climate and light winds, and consequently these vessels could not there be unsafe! He asked the gallant Officer, did he ever hear of a tornado on the coast of Africa? Did he not know that these ten-gun brigs were the least calculated of all other vessels to resist its violence? Why, if he were to choose a part of the world in which this sort of vessel would be unsafe, that part would be the coast of Africa, the very place where these brigs were about to be sent to. Then, the hon. Secretary of the Admiralty justified the employment of these vessels, because they could get no others. What, then, had the Admiralty been doing for the last seven and twenty years? Was it possible, that now a Secretary of the Admiralty, should stand up in that House, and say, that after a peace of twenty-seven years, they had not vessels to send out to the coast of Africa, but must be obliged to send out vessels which were totally unfit to be employed as packets or as men-of-war—and that those again should be brought forward, because the Admiralty had no other vessels. That, he must say, was the most extraordinary acknowledgement he ever heard. It was true, it might be said, that the present Gentlemen were not in office more than two years; but then, if they found that their predecessors had left the navy in a bad state, why not make some exertion to correct those deficiencies;

and why, above all things, send out the very same sort of vessels which had been before objected to, and which had been lost in every part of the world. He had not heard the gallant Captain nor the Secretary of the Admiralty deny, that eleven of those ten-gun brigs had been lost—five of them as packets, and six of them as men-of-war. As packets, their weight had been reduced—they had only four guns, their masts and sails were reduced, their immense fore and aft mainsail was taken away, and yet five of these vessels were lost with all the crew and passengers, and six of them were lost as men-of-war. And yet, after all this, the gallant Officer, and the Secretary of the Admiralty, stated now, that having lost eleven of these vessels, they were about to send out some of the same craft. He thought the men who built them ought to be hanged, and those who employed them almost deserved the same fate. He had no patience when he saw this done, and knew, at the same time, that they had plenty of good vessels, and officers to command them. Instead of employing proper vessels, they were about sending out commanders who were not accustomed to an insignificant crew. It would be found, that this subject bore very strongly upon a question he had put some time since. It was this: if English and American vessels employed on the coast of Africa were to hunt in couples, was an English vessel, whether she sailed worse or sailed better than the American, to be at liberty to board a vessel hoisting American colours? His gallant Friend now said, that ten-gun brigs could not sail with an American brig, and the English vessel, to their great dishonour, must be left behind. If, then, the American met a slaver, and she hoisted English colours, the American could not, if the treaty were as he understood it—the American could not board the slaver; and if the English afterwards met her, and she hoisted American colours, the English vessel could not board her either. He hoped that the House would not go with the Admiralty on this occasion; but that they would exercise their own judgment. Perhaps some of them would be applying to the Admiralty to have their sons sent to sea, and they might hear that their relations were lost, with all the crew of those vessels. He hoped that hon. Gentlemen would think of these things before they went to the vote that night. The late Board of Admiralty had properly not

used these brigs. The present Board however, found fault with their predecessors, and now were about despatching them to the coast of Africa. This was of a piece with the general conduct of the Admiralty. There was, for instance, the *Trafalgar*, the launch of which was viewed by her Majesty. That vessel might be supposed ready for sea. It was not; but the stern put on by one surveyor was knocked off, and another put on, at the expense of from 5,000*l.* to 10,000*l.* He went, too, on board a steam-ship, and he found that they had at last come to build a steam-boat on a proper principle, that which all the world knew of before but the Admiralty, and that was, that it should be built with a flat floor. It was, too, as every one but the Admiralty knew, most important to put guns on the fore part of a steamer. The Admiralty, however, fortified the stern; but the English vessels did not present much of their stern to the enemy. It was most important, that the fore part of the steamer should be fortified, and yet, at the present moment, there was only one gun on that part of the steamer which he had seen. It was his opinion, that as long as the Board of Admiralty was constituted as at present, it would be half a century behind the rest of the world. For thirty years it had made no improvement. Considering the importance of the navy to this country, it was to be deplored, that so little attention was paid to it by the House of Commons. In conclusion, he had to remark, in reference to his gallant Friend who had brought forward this motion, that he was the only officer he ever knew who resigned his situation at the Board of Admiralty, when he saw them adopt proceedings of which he disapproved.

Captain *Berkeley*, in reply, said, that if the hon. Gentleman had, in answer to a question he put some weeks ago, given the explanation given to-night, that these vessels were not to be used as sloops of war, with all the appurtenances, probably the House would not have been troubled with this motion. Throughout the service, the general opinion amongst the officers against these vessels was very strong; but if the Admiralty chose to commission a washing tub, such was the zealous character of the British sailor, he would not refuse to enter the craft. But, because that feeling existed, our seamen ought not to be sent out in unseaworthy vessels. He had done his duty to the service to

which he belonged, in bringing this subject before the House, and he hoped hon. Gentlemen would not suffer themselves to be swayed by political feelings upon this occasion, but recollect that the lives of their fellow-creatures were at stake. If he might judge from the appointment made by the present Board of Admiralty of those who were to go to sea in these floating coffins, they were all connected with the other side of the House.

The House divided on the question, that that (Captain Berkeley's resolution) question be put:—Ayes 41; Noes 75:—Majority 34.

#### *List of the AYES.*

Aldam, W.	Morrison, J.
Barnard, E. G.	O'Ferrall, R. M.
Berkeley, hon. G. F.	Plumridge, Capt.
Blake, Sir V.	Protheroe, E.
Brotherton, J.	Pryse, P.
Childers, J. W.	Ramsbottom, J.
Cripps, W.	Redington, T. N.
Curteis, H. B.	Scholefield, J.
Duncan, G.	Seale, Sir J. H.
Dungannon, Visct.	Smith, B.
Evans, W.	Smith, rt. hon. R. V.
Fielden, J.	Stansfield, W. R. C.
Gisborne, T.	Stanton, W. H.
Granger, T. C.	Tancred, H. W.
Hastie, A.	Tufnell, F.
Heathcoat, J.	Villiers, hon. C.
Hill, Lord M.	Wawn, J. T.
Hindley, C.	Williams, W.
James, W.	Wilshire, W.
Langston, J. H.	TELLERS.
Mitcalfe, H.	Berkeley, Capt.
Morris, D.	Napier, Sir C.

#### *List of the NOES.*

Antrobus, E.	Flower, Sir J.
Arbuthnot, hon. H.	Forman, T. S.
Bailey, J.	Fox, S. L.
Baillie, Col.	Gladstone, rt. hn. W. E.
Baillie, H. J.	Godson, R.
Baird, W.	Gordon, hon. Capt.
Baring, hon. W. B.	Goulburn, rt. hon. H.
Baskerville, T. B. M.	Graham, rt. hn. Sir J.
Beckett, W.	Greenall, P.
Benett, J.	Greene, T.
Blackburne, J. I.	Hamilton, Lord C.
Boldero, H. G.	Heppburn, Sir T. B.
Borthwick, P.	Herbert, hon. S.
Boyd, J.	Hervey, Lord A.
Broadley, H.	Hodgson, R.
Bruce, Lord E.	Hogg, J. W.
Burrell, Sir C. M.	Hope, G. W.
Chapman, A.	Hughes, W. B.
Christopher, R. A.	Hussey, T.
Clerk, Sir G.	Jermyn, Earl
Corry, rt. hon. H.	Knatchbull, rt. hn. Sir E.
Darby, G.	Lockhart, W.
Dickinson, F. H.	Lopes, Sir R.
Drummond, H. H.	Mackenzie, T.
Eliot, Lord	Mackenzie, W. F.



Marshall, Visct.	Sheppard,
Masterman, J.	Smith, A.
Meynell, Capt.	Smith, rt. hn. T. B. C.
O'Brien, A. S.	Stanley, Lord
Patten, J. W.	Sutton, hon. H. M.
Peel, rt. hon. Sir R.	Tollemache, J.
Peel, J.	Trench, Sir F. W.
Plumptre, J. P.	Turnor, C.
Pollock, Sir F.	Waddington, H. S.
Pringle, A.	Welby, G. E.
Pusey, P.	
Rose, rt. hon. Sir G.	TELLERS.
Round, J.	Freemantle, Sir T.
Sanderson, R.	Baring, H.

Motion withdrawn.

ASSESSED TAXES.] Captain *Pechell* moved,

"That the return of the several cases of assessed taxes for the years 1841 and 1842, determined on appeal be printed."

He stated, that these decisions were, generally speaking, most vexatious, that they arose out of unjust surcharges, that the proceedings were conducted in private, no reports of them being permitted to appear in the newspapers, and that the public had great reason to complain of them. Some of the cases were most appalling. The judges even were generally obliged to reverse the decisions of the commissioners. As for the surveyors, they had an interest in every surcharge they made, and the more they laid on the more they recommended themselves to their employers.

Sir G. Clerk said, the papers now required to be printed were formerly regularly published, and so little anxiety had been shown by the public to possess them, that the last year of their publication only four copies had been sold. This year the Board of Stamps and Taxes had found it necessary to print these documents for their own use. 300 copies had been sent down to the House. Two had been taken by the hon. Member for Brighton, and the remaining 298 were wholly at his service, as not another copy had been asked for. Under these circumstances, he would put it to the House, whether they would incur the outlay necessary for this publication.

Captain *Pechell* thought it highly probable, that Gentlemen opposite did not want such papers, but Members on his side would, no doubt, be very glad to be possessed of any authentic publication. The fact was, however, that the return published by the board was very imperfect, no less than twenty-five cases having been suppressed.

The House divided on the question

that the returns be printed:—Ayes 16; Noes 79:—Majority 63.

#### List of the AYES.

Blake, Sir V.	Pryse, P.
Collett, J.	Redington, T. N.
Curteis, H. B.	Scholefield, J.
Fielden, J.	Seale, Sir J. H.
Holland, R.	Tancred, H. W.
James, W.	Williams, W.
Morris, D.	
Muntz, G. F.	TELLERS.
Napier, Sir C.	Pechell, Capt.
Plumridge, Capt.	Wawn, J. T.

#### List of the NOES.

Bailey, J., jun.	Hodgson, R.
Baird, W.	Hogg, J. W.
Baring, hon. W. B.	Hope, G. W.
Barrington, Visct.	Hughes, W. B.
Baskerville, T. B. M.	Hussey, T.
Blackburne, J. I.	Jermyn, Earl
Bodkin, W. H.	Jolliffe, Sir W. G.
Boldero, H. G.	Knatchbull, rt. hn. Sir E.
Borthwick, P.	Leslie, C. P.
Broadley, H.	Lockhart, W.
Brotherton, J.	Lowther, J. H.
Bruce, Lord E.	Mackenzie, W. F.
Buller, E.	Marshall, Visct.
Burrell, Sir C. M.	Masterman, J.
Charteris, hon. F.	Meynell, Capt.
Christopher, R. A.	Mitcalfe, H.
Clive, hon. R. H.	Mundy, E. M.
Corry, rt. hon. H.	Norreys, Lord
Cripps, W.	Packe, C. W.
Darby, G.	Patten, J. W.
Dickinson, F. H.	Peel, rt. hon. Sir R.
Duncan, G.	Peel, J.
Dungannon, Visct.	Plumptre, J. P.
Eliot, Lord	Pringle, A.
Evans, W.	Rose, rt. hon. Sir G.
Flower, Sir J.	Ross, D. R.
Forman, T. S.	Scarlett, hon. R. C.
Fuller, A. E.	Sheppard, T.
Gisborne, T.	Smith, A.
Gladstone, rt. hn. W. E.	Smith, rt. hon. R. V.
Glynne, Sir S. R.	Smith, rt. hn. T. B. C.
Godson, R.	Somerset, Lord G.
Gordon, hon. Capt.	Stanley, Lord
Goulburn, rt. hon. H.	Sutton, hon. H. M.
Graham, rt. hn. Sir J.	Trench, Sir F. W.
Greene, T.	Trollope, Sir J.
Grimsditch, T.	Tufnell, H.
Hale, R. B.	Waddington, H. S.
Hayes, Sir E.	TELLERS.
Henley, J. W.	Freemantle, Sir T.
Hervey, Lord A.	Clerk, Sir G.

IRISH YEOMANRY CORPS.] Lord *Clements* moved for a,

"Copy of the orders issued by his Majesty's Government in 1831, and following years, for disbanding the yeomanry corps in Ireland; together with all the correspondence between the Government of that day and officers of yeomanry, relative to the disbanding of the above corps; together with all correspondence between her Majesty's Government and the

Lord Lieutenant of Ireland, respecting the reduction of the yeomanry force in Ireland and the delivery of their arms,"

The noble Lord stated, that in 1831, in consequence of the atrocious outrages committed by the yeomanry corps, vast numbers of petitions were presented to the House from different parts of Ireland, praying Parliament to disband these corps. A correspondence took place between Government and the Irish authorities, for the purpose of inquiring into their views with respect to a disbandment. Their correspondence was of a public, not a private nature; and it was followed by the withdrawal of the sums previously allowed for the expenditure of the yeomanry corps. In 1833 and in 1834 additional correspondence took place upon the subject, between Lord Melbourne and the Irish authorities and a circular was issued, having for its object, the complete dissolution of these corps. It was a copy of these orders which he was anxious to obtain, as well as a copy of the correspondence with the officers of the yeomanry corps on the subject of the disbanding. He wished to show what yeomanry corps had objected to give up their arms. He could not see upon what ground the Government could refuse to accede to his motion, and should it be opposed he should know what to think of the sincerity of those declarations which had been made respecting the Arms bill. The correspondence was of the utmost importance in order to show the disposition of those to whom arms had been, and he was afraid would be again intrusted. He was quite convinced, that at present, the yeomanry arms were not in proper hands. He could have no difficulty in establishing that point. No later than last winter there had been a search for arms in the county of Leitrim. The Lord Lieutenant sent down his warrant upon which the magistrates acted honestly and impartially, and took all the arms they could find that were unregistered, without any regard to party. Orders were sent from Dublin; and those belonging to one party were returned—he need scarcely say, that that party was the Orange party. This had given much dissatisfaction to the people, as they considered it not only very partial, but also very improper conduct upon the part of those intrusted with the executive. He knew, that such partiality could not have been sanctioned by the noble Lord opposite; but still it was done by the officials employed by Government. If it were the

wish of the Government to disarm all persons who ought not to have arms, it was absolutely necessary, that some understanding should be come to in respect of the proper custody of the yeomanry arms; because, see what a position they had placed those persons in, who, in Leitrim, had again got possession of those arms. Why, every one of them was liable to a penalty of 200*l.* for having possession of arms with the Tower mark. When he saw the the Government pouring more arms into Ireland, he was induced to ask for what party they were intended; were they to be given to the Repealers, the Whigs, or the Orangemen? He would tell the noble Lord that they did not want any arms. All the people of Ireland wanted, was that their wrongs should be redressed. They wanted measures of justice and amelioration not of coercion; they wanted to know whether the yeomanry arms were to remain in improper hands or not; and if yeomanry arms marked with the Tower upon them were to descend as heirlooms from father to son? In conclusion, for he would not at that late hour detain the House longer than to say, that in respect to the statements made by the noble Lord, of the arms that had been taken in the county of Leitrim the noble Lord had been misinformed, and consequently his statements were incorrect. The noble Lord ended by moving as above.

Lord *Eliot* thought he had some right to complain of the noble Lord's allusions to the disarming of the yeomanry in Leitrim, of which he had no notice, and on the discussion of which he was not, of course, prepared to enter. With reference to the motion, he could only repeat the assurance which he had given on a former evening, that it was very far from his intention to withhold any information that was necessary to the purpose of the noble Lord, and that he was quite prepared to give copies of all orders for disarming the yeomanry. He did not, however, think it expedient that communications between one department of the Government and the other, in which particular opinions were expressed, should be published. For the first time a restriction was now imposed as to the yeomanry, and their arms were subjected to the same distinctive mark as it was proposed to make applicable to arms of every description. He should move, as an amendment to the noble Lord's motion, that there be laid before the House



"Copies of any order or orders for the disbanding of the yeomanry in Ireland: of any order or orders in respect to the discontinuance of pay to the staff and non-commissioned officers of yeomanry in Ireland: of any order or orders for delivering into store the arms of the yeomanry in Ireland."

Mr. *Redington*: Considering that the noble Lord opposite had shown every disposition to give all the information in his power, he hoped his noble Friend would not press his motion for so voluminous a correspondence.

Viscount *Clements* said, he should be content with the returns to which the noble Lord consented for the present, but of course he should use his discretion as to moving for a further return.

Returns as moved for by Lord Eliot ordered.

House adjourned at half-past eleven o'clock.

## HOUSE OF COMMONS,

Wednesday, June 21, 1843.

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Bridges (Ireland).

2<sup>o</sup>. Scientific Societies; Commons Inclosure,

*Reported.*—Coroners.

3<sup>o</sup>. and passed:—Princess Augusta's Annuity; Salmon Fisheries.

*Private.*—3<sup>o</sup>. and passed:—Maryport and Carlisle Railway.

*Lords' Amendments agreed to.*—Bristol and Gloucester Railway.

PETITIONS PRESENTED. By Messrs. Scholefield, Yorke, Brotherton, Blackstone, and Colville, and Sir Edward Knatchbull, from a number of places, against the Factories Bill.—By Mr. Ferrand, from the West Riding of Yorkshire, in favour of the Waste Lands Allotment Bill.—By Mr. Gisborne, from a Clergyman, against any Grant for Religious Purposes.—By Lord Worsley, from Horncastle, in favour of the Scientific Societies Bill.—By Mr. M. Gibson, from Manchester, and other places, in favour of the County Courts Bill.—From Knaresborough, Leeds, and other places, for carrying out Rowland Hill's Plan of Post-Office Reform.—From Gainsborough, against the Bankruptcy Act.—From Kingston-upon-Hull, against the Irish Arms Bill.—From John Forster, for Amendment of Law of Church Rates.—From Francis Osbaldiston, in favour of Coroners' Bill.

## EXECUTIONS AT NORFOLK ISLAND.]

Lord *Stanley* said, in reply to a question put by Mr. Ewart, having had an opportunity of looking at the documents in the Colonial-office, he was able to state the facts of the case to which the hon. Gentleman alluded, as they had been reported to him by the Governor. Some time ago, at Norfolk Island, a very desperate attack was made by a body of convicts employed in discharging a vessel which had brought provisions and other stores from Sydney. There was a crew of eighteen persons in

the vessel, besides a sergeant and eleven men, and the prisoners amounted to only twelve. These were left on the deck with two sentinels, the whole of the crew and the rest of the guard being below. Under these circumstances, in broad daylight, and within view of the shore, the prisoners suddenly turned on the sentinels, pinioned them, threw them overboard, fastened down the hatches, and took possession of the ship. After a considerable time the guards and crew succeeded in recovering possession; but so desperate was the resistance made by the convicts, that five of them were killed, besides one of the crew. All the prisoners were desperate characters, having been convicted in England, and afterwards for various offences in New South Wales. They were all put on their trial for the piratical seizure of the vessel, and six out of the seven were found guilty. Sentence of death was passed on those convicted, and carried into execution on the four who appeared to have taken the most prominent part in the transaction, by the advice of the executive council, whom the governor consulted on the occasion, and who were unanimous in their opinion. It did not appear, however, that there were any circumstances out of the ordinary course in carrying the sentence into effect. The representations, therefore, which had been made by the single individual from whom the petition came were founded in error, as there had been nothing of an objectionable character in the circumstances.

SPIRIT DUTIES (IRELAND).] The *Chancellor of the Exchequer*, in moving that the Orders of the Day be read, took the opportunity of saying, that on Friday next he would move that the House should resolve itself into a Committee to consider the Excise Acts. It would be in the recollection of the House that during the last Session an act was passed imposing an additional 1s. a gallon on spirits in Ireland. He had recommended that change, in the belief that it would be productive to the revenue, and if it was not, it would produce a diminution of consumption of spirits, and lead to the increase of those habits of temperance which had grown up in Ireland. Those duties involved not merely fiscal but moral considerations, for if there was a low duty the immorality was great, whilst if the duty were high, it gave rise to illicit dis-

tillation. He had watched, therefore, with great anxiety, the course of the change made last year, which had been introduced after careful examination, and in the full belief that in the altered state of Ireland, and with the means of prevention at the disposal of the Government, no great increase of distillation would take place. The year's experience had within the last few days been brought to a close, and having looked carefully at the returns, and at the circumstances of the case, he was bound to admit that the shilling duty had led to a progressive increase of the offences against the Excise laws. He felt so much the increase of immorality, that after the year's experience he had satisfied himself he ought to recommend the House to remove the shilling duty on spirits in Ireland. With this view, he should on Friday move the committee.

SCIENTIFIC SOCIETIES.] Mr. G. W. Wood moved the second reading of the Scientific Societies Bill. His object was to relieve these institutions from the pressure of local taxation, which would give them more effectual aid than any pecuniary assistance. There was a great disposition to give relief in this way, if the parties were not prevented by the law. Chapels, schools, and hospitals were already assisted, and large sums had been granted out of the public money for churches and other public purposes, and upon those precedents he asked the assent of the House to this bill.

Viscount Sandon seconded the motion, having previously moved a like measure, at the request of a meeting of the literary and scientific institutions of England. The burthen of taxation was very peculiar, for they must have large museums, and other rooms, and if a single porter lived on these premises the whole was rateable. The burthen was very disproportionate to the means of these societies. In one case the income of the society was only 400*l.* a year, and the taxes amounted to 100*l.* In other countries assistance was given to these societies. He believed that this bill would not only be considered a boon by the societies, but by the towns themselves; and he believed that the principle would obtain general acquiescence.

Bill read a second time.

CORONERS BILL.] House in committee on the Coroners Bill.

Mr. W. Patten said he thought that by giving an uniform remuneration, some coroners would receive too much, and great burthens be flung on the rate payers.

Mr. Wakley explained the nature of the diversity of payment in different situations. On the Surrey side of the Thames a coroner's jury was paid 12*s.* for attendance, while on the Middlesex side of the river they were allowed nothing. He had never, on this account, ever found a difficulty in obtaining a jury; but the deficiency of any payment was certainly a cause of considerable dissatisfaction. In some counties one pound was allowed for the care of a body until an inquest could be held, while in other counties the remuneration was only 6*d.* In some districts the constable was allowed 9*d.* per mile for conveying information of the necessity of an inquest, and in other districts he obtained nothing. These inequalities certainly required regulation, and he was able to state that the coroners were willing to leave the whole matter in the hands of Parliament, and would be satisfied with any change in the law that might appear to be for the general advantage.

Bill went through committee, *pro forma*, amendments were introduced, and the House having resumed, the bill was ordered to be recommitted.

INCLOSURE OF COMMONS.] Lord Worsley moved the second reading of the Commons' Inclosure Bill, (No. 2.)

Colonel Sibthorp saw no necessity for any such measure, and contended it ought to be deferred to a future Session. Besides, this was a second bill on the subject this Session, and was materially different from the first that had been introduced. He thought that it would be better to withdraw the bill; and he would move that it be read a second time on this day six months.

Lord Worsley expressed his regret, that he could not comply with the recommendation for postponing the measure until next Session. The main object of it was to place the inclosure of commons under the management and superintendence of the tithe commissioners. It had been a considerable time before the House; for, although as the hon. and gallant Member had said, this was the second bill upon the subject in the present Session, it in no respect differed from the first, excepting in the omission of some



clauses which were irregular, inasmuch as they exceeded the directions of the House as to the original preparation and introduction of the measure. It became necessary, therefore, to withdraw the first bill, and to substitute the present, which had been drawn with the greatest care. The House was, perhaps, not aware, that there were from one to two millions of acres of unenclosed land in this country which might be profitably brought into cultivation, including fencing and drainage, for 12*l.* per acre; therefore, although the hon. and gallant Member had felt himself called upon to move that the bill be read a second time on this day six months, he was willing to place the bill upon its own merits, and to rely upon Members who had read and approved its provisions, for its support. The noble Lord read extracts from private communications he had received from land surveyors and others in various parts of the kingdom, showing the fitness and necessity for such a measure, in order to secure the rights of all parties entitled to common. He was persuaded that more proper agents could not be discovered than the tithe commissioners, considering not only their peculiar qualifications, but the manner in which they had hitherto conducted their business, and the general popularity of their proceedings. At the present moment more workmen were out of employ, than for many years past. They were desirous of application for their industry, and individuals would soon be found to invest capital when security was given by the nomination of the tithe commissioners, for the impartiality with which the allotments were made. He could assure the House that he had not, in the most remote way, any interest in any land that would come under the operation of this law. He had had the satisfaction of introducing a bill that was passed into a law in 1836, for the enclosure of commonable and free lands; and so anxious had the people been to take advantage of it, that he had heard of instances where they had gone to an imprudent length. He had received a great many applications, during the last three or four years, to extend the powers of that act. But he had found a difficulty in practically carrying out what had since become a standing order of the House, namely, the setting apart a certain portion of the land, for the use of the public, as a place of recreation. It might happen that the commonable land might not be suffi-

ciently near a populous neighbourhood to make such a special allotment of any use except to gipsies. But a question also might, in other cases, be, how much should be allotted, or whether any enclosure ought to take place at all? Therefore, he proposed that when two-thirds of the parties interested in open land should apply to the commissioners to enclose it, the commissioners should send down an assistant commissioner to inquire into the expediency of such enclosure, having regard to the comfort and health of the inhabitants of the neighbouring cities and villages, as well as the advantage of the landowners. If it should appear that one-fourth of the persons interested in the land proposed to be enclosed should object to such enclosure, power was given to them by the bill to make their objection within twenty-one days after the application to the commissioners, and to give notice of their objection, in which case the commissioners would not make the inclosure until it was ascertained whether it ought to take place or not. He hoped the House would consider that in framing this bill he had endeavoured to carry out in as liberal a spirit as possible the suggestions offered at different times to this House; and that the rights of the poor were not disturbed by it. With regard to the expense that would attend the working of this bill, he thought the employment of the tithe commissioners would considerably lessen it, as they were not be empowered to claim any additional compensation; but the assistant commissioners would be paid for their time and expences. At present an enclosure bill could not be passed under a cost of from 400*l.* to 600*l.*, whereas if this measure should become the law of the land, the same object might be obtained at an expence of 40*l.* It might be said that a great deal of the waste land of this country was too poor for cultivation; and that if it had not been so, it would long since have been enclosed. He had received several letters upon this point. One was from a Gentleman who lived in the neighbourhood of Bagshot-heath; and that gentleman stated that although it was true that there was much bad land on the heath, still there were many acres of good soil, perfectly adapted for the growth of wheat. He hoped hon. Members would read his bill. Considering the late period of the Session, considering that the tithe commission would expire in a few years; considering the difficulty of any hon. Member not connected with the Government, in framing a measure

—and considering the number of people out of employment, and the large amount of capital which would be brought into activity if such a measure as this should pass into a law, he did hope that the House would allow the bill to be read a second time; and should it finally become an act of the Legislature, he believed that it would be found not only to confer a great boon on the landed interest of the country, but that other interests not immediately connected with agriculture would be very largely benefitted by upwards of a million and a half of acres of land being brought into cultivation, capable of producing wheat in this country. The noble Lord moved that the bill be read a second time.

Mr. *Ferrand* could not agree to the second reading of the bill, because there was not a single clause in it which, in a distinct manner, declared the rights of the poor, or which gave to them a portion of the waste land of this country; and if the bill became the law of the land, the poor would for ever lose all chance of gaining any part of those lands. Still some such measure was necessary to ward off a revolution in this country. Machinery was increasing to such an extent that the masses out of employment were increasing month after month. The new combing machinery would throw a hundred thousand combers out of employment. Even now, in many towns in the north, the poor's-rates amounted to 8s. and 9s. 6d. in the pound, rack rent. In his own town the rates were 7s. in the pound, and in a neighbouring township the farmers were so poor that they could not pay the rates, but were obliged to borrow money to support the unemployed population. These things had been caused by thousands of persons having been removed, during the years 1836 and 1837, from the agricultural districts into the manufacturing towns, for the purpose of relieving the farmers from the pressure of the poor-rate. Mr. *Muggridge* had reported that 10,000 persons had been so removed, but he believed that the number would be nearer the truth if it were multiplied five times. The people were dying for want of food. Another Session was fast approaching to a close, and what were hon. Members to say to these people when they met them? The right hon. Gentleman the Secretary of State for the Home Department on a former occasion stated that all the waste lands

worth cultivation had been already inclosed. Was the right hon. Gentleman of that opinion still? [Sir *J. Graham*: "Hear."] Now, he (Mr. *Ferrand*) knew a gentleman perfectly conversant with the whole district of Lancashire, and who had declared, that there were 200,000 acres of cultivable waste land in that district, on which capital might be profitably employed; and yet the distressed state of the people in that part of the country was astounding. What good could this waste land do to any one in its present state? He could not support the noble Lord's bill, because it would deprive the poor of those rights they justly possessed. But if the noble Lord would incorporate the principle of his (Mr. *Ferrand's*) bill, (the Allotment Bill), and give a certain portion of the waste land to the poor, he should then have no objection to co-operate with the noble Lord.

Sir *C. Burrell* supported the bill. It was in all respects different from that of the hon. Member for Knaresborough, which went to take from one set of men their rights, and transfer them to another set. As far as he could at present judge, he believed the bill of the noble Lord was based upon a good principle, and that it would tend to increase the cultivation of the land, by giving employment to agricultural labourers.

Mr. *Miles* thought, that if carried out properly, the bill would do great practical good to the country; for not only would it bring into operation a great deal of labour, but it would be of especial service in the case of those able-bodied married men among the manufacturing population, who had been taken from the agricultural districts, and who, as he had for some time held, must sooner or later come on the land for support. He hoped the bill would be read a second time, and allowed to go into committee, in order that they might make such alterations as might produce a bill of universally beneficial character.

Mr. *Roebuck* did not agree with hon. Members as to the great advantages to be expected from this bill. At present, there existed in England a certain quantity of land which, from accident and other causes, had escaped cultivation. Over that land were certain manorial rights and other rights, such as rights of common to all the community resident in the neighbourhood. In these circumstances, he



was reduced to this dilemma ;—were these small patches of waste land—for small they would be compared to the whole land of the community—were they to be divided to those who already possessed land, or were the fragments to be given to those who had rights of common? But what was to be the result? They would have fragments of land so small that they could be of no earthly benefit to the poor when enjoyed as special property. Now, he saw a neighbouring country, where there were rights of property in land so small, that the consequence was a pauper population dependent on land, whence arose all the evils of that country. He wanted a labouring class dependent on wages, not on land. Consequently, he held that they were not likely to do good by the allotment system. Supposing it was carried out, the moment it was so they would have a population of agrarian paupers, the most dangerous population to a country that a statesman could contend with. What was the allotment system? A labouring man is to have a certain amount of wages. It is desired he should have more. He gets some part of that in money wages, and is sent to work on a portion of land to make up the remainder. By this means, the man was made a pauper of; it would be far better that he were solely dependent on wages; he would be more independent. At the same time, he was ready to acknowledge, that in the system at present before the House, there was more independence than in the fragment system. He had another objection to this system of enclosing commons. On the common, the sports of the village took place. [*Laughter.*] They might laugh if they liked; he considered this to be a point of much importance. He liked that the poor should have the right of going on the commons with their wives and families; he liked to go himself among the furze bushes, and he did not wish to take away what he enjoyed himself from them; he did not wish to see the poor man in possession of a fragment not bigger than the table before him, or the floor on which he stood; he wished the poor to have the open space, which they could enjoy with their children, and enjoy their rural sports. Would to God every village had a vacant space for such purposes. If a bill was to be brought in for setting apart a green for every village he should support it. But nothing of that kind was to be found in

this bill; he had looked through it, and he must say he was puzzled to find out what was the precise meaning of it. It appeared to him, that as it stood, it would be productive of a great many law suits. He could quite understand the noble Lord proposing this measure with his notions respecting the Corn-laws, in the hope that it would employ a number of the labouring population, but that employment would cease shortly. Was it then anything like a serious mode of furnishing employment for the poor? Let the noble Lord drop all these modes of furnishing employment for the poor, and vote for the abolition of the Corn-laws, and he would furnish employment for many more hands.

Lord *J. Manners* felt a difficulty which had not been removed by the hon. Member opposite. He agreed in the policy of providing a certain portion of ground for the sports of the people; but he did not see in this bill any provision to effect that object. It was all very well to say, that labourers should be dependent on wages only, but he did not think that any one who was acquainted with the manufacturing districts could expect that families could be wholly dependent on manufacturing wages. Two or three days a week they had labour. How could that make them independent? He had presented several petitions from the manufacturing classes in Leicestershire, stating their wish for the allotment system, in order to eke out a subsistence. [*Mr. Roebuck.*—"To eke out a subsistence?"] Yes, to eke out a subsistence. It was an honourable mode of doing it. He was prepared to maintain, that there was nothing more ennobling than agricultural labour; and it was still more so in the case of the man who felt he was the cultivator of his own field. However, he did not wish to put off the second reading of this bill for six months; he only wished to postpone it till the report of the Allotment Committee was on the Table of the House. He thought there was an immense quantity of land in England which might be brought into profitable cultivation; and he wished to ask the noble Lord at the head of the Woods and Forests whether, in the Crown property, there was not the greatest possibility of some such measure being carried into effect?

Mr. *C. Buller* could not understand after the speech of the noble Lord, how he could object to passing this bill.

With regard to the greater part of commons, he believed they had not been cultivated because it was not worth while, but a great proportion was not uncultivated, because it was materially worse land than the land near it, but because the rights of property over it had become so complicated, that it never had been worth while to cultivate it. Was not that a reason why the House should now interfere? He felt bound to say, with what pleasure he listened to the noble Lord, expressing his large views and generous sympathies in the rights of the people, which came from him with such grace; but though he had no doubt, that the House would receive valuable recommendations from the Allotment Committee, he could not see why the House should wait for them, as the noble Lord wished. The object of the bill was to enable parties, without an application to Parliament for a bill in each case, to enclose waste lands. With respect to the system of allotments, he must say, he did not like it as they heard of it in that House sometimes; he did not like the idea of making small farms the means of subsistence of any large portion of the population, and he wished to impress on the House the propriety of passing the present measure without delay. The objections of the noble Lord and the hon. Member for Knaresborough (Mr. Ferrand), appeared to him not to be objections to the bill itself. Then the hon. and learned Member for Bath seemed to have an aversion to enclosing commons, on the ground that they afforded the means of exercise and diversions for the poor; but there was in the bill a clause which made provision for these sports, and when the bill got into committee the hon. and learned Member might propose further enactments to carry out his objects. He could not agree altogether in the propriety of leaving fine land uncultivated for such a reason. With respect to the objections of the hon. and gallant Member for Lincoln (Colonel Sibthorp), he had said, that House was to wait for time to soften his objections. It was to be regretted, he had not told them what would soften those objections, but even in spite of the authority of the hon. and gallant Member, he hoped the House would agree to the second reading of the bill.

Viscount Sandon hoped there would be no opposition to the second reading.

When the recommendations of the Allotment Committee came down, they might be inserted in the bill. The hon. and learned Member for Bath seemed to have forgotten that every enclosure bill, that had passed for these ten years had contained a provision for the setting apart a portion of land for the exercises of the poor. [Mr. Roebuck.—“Yes, a small space. I am for a large common.”] Better, then, have the whole of England reduced to its old state of commonage. He hoped, however, that a provision for the poor as a corporate body, and not individuals, would be introduced into the bill, and that such provisions would be irrespective of the rights of adjacent proprietors.

Mr. S. Crawford could not let this opportunity pass without stating the reasons why he persisted in his opposition to the measure. He considered that every enclosure bill that had passed that Session was a robbery of the rights of the poor, and he looked on this bill as a measure for plundering the poor in a general form without coming to Parliament to do it. There was no provision in the bill, that in his opinion adequately secured the poor man's rights. He therefore should give it his most decided opposition. The hon. and learned Member for Bath desired that the poor should be dependent only on wages and not on land. He desired the reverse; he wished the labouring poor to derive an independent support from land, connecting the use of land to a certain extent with those who were employed in manufacturing labour. He denied that the occupation of small allotments of land caused the distress of the poor of Ireland. Their distress was owing to their not being able to get those small occupancies in such a manner as to derive the full benefit of them. They were prevented by high rents and other means from getting the full benefit of their holdings. He would not have enclosures except on condition that all should be for the poor, remunerating those who had rights of common by the sale of a portion of the enclosed land, or by reserving rents upon it. Thinking, then, that this bill would extend the monopoly which the rich already had against the poor, he felt it his duty to divide the House against the bill; and if the hon. Gentleman thought of withdrawing his motion for taking the second reading that day six



months, he should divide on the original question.

Mr. *Divett* was persuaded the bill would prove one of the best means for securing the constant and ready employment of the poor. The hon. and learned Member for Bath had spoken of the allotment system as having a tendency to throw the labourer into a state of dependence upon land and not on wages. The noble Lord (Lord J. Manners) spoke of its use in eking out a subsistence for the labourer; he (Mr. Divett) believed, that a well-regulated allotment system enabled the poor to enjoy vast numbers of comforts, which not only made them better labourers, but elevated them in the scale of society. He cordially supported the bill, which, he was convinced, would prove the means of relieving some of the most serious social evils the country laboured under.

Mr. *Aglionby* said, that in replying to the objection of the hon. Member for Rochdale, that the bill was a robbery of the poor, he would not complain of the expression, because he considered every man had the right of judging for himself; but he would say that he would not yield to the hon. Member or any other man in anxiety to preserve the rights of the poor, and protect them against the innovations of the rich; and he would work with any man who would suggest a mode how those rights could be best protected. He would add, as his name was on the back of the bill, that the objection made to the noble Lord (Lord Worsley), that he was against the repeal of the Corn-laws did not apply to him, for he had voted for the repeal on all occasions. He advocated the bill solely because he believed it would be productive of the greatest benefits to the people.

The House divided on the question that the word "now" stand part of the question:—Ayes 64; Noes 4:—Majority 60.

#### *List of the AYES.*

Acland, Sir T. D.	Buller, E.
Adderley, C. B.	Busfield, W.
Baillie, J. jun.	Christopher, R. A.
Barnard, E. G.	Clayton, R. R.
Beckett, W.	Colvile, C. R.
Borthwick, P.	Cripps, W.
Bowes, J.	Curteis, H. B.
Bowring, Dr.	Darby, G.
Brotherton, J.	Denison, E. B.
Buck, L. W.	Divett, E.
Buller, C.	Duke, Sir J.

Dungannon, Visct.	Mundy, E. M.
Eliot, Lord	O'Brien, A. S.
Esmonde, Sir T.	O'Brien, W. S.
Ferguson, Sir R. A.	O'Conor, Don
Ferrand, W. B.	Plumridge, Capt.
Fitzroy, Lord C.	Pusey, P.
Flower, Sir J.	Rashleigh, W.
Gladstone, rt.hn.W.E.	Rendlesham, Lord
Goring, C.	Rushbrooke, Col.
Graham, rt. hn. Sir J.	Sandon, Visct.
Harcourt, G. G.	Smith, B.
Hatton, Capt. V.	Stanley, Lord
Henley, J. W.	Strickland, Sir G.
Hinde, J. II.	Sutton, hon. H. M.
Hodgson, R.	Thornely, T.
Hoskins, K.	Tollemache, J.
Lincoln, Earl of	Wilshire, W.
McGeachy, F. A.	Wood, G. W.
Mainwaring, T.	Wortley, hon. J. S.
Manners, Lord J.	
March, Earl of	
Miles, W.	
Mitchell, T. A.	

TELLERS.

Worsley, Lord  
Aglionby, H. A.

#### *List of the NOES.*

Fielden, J.	
Stanton, W. H.	
Trelawney, J. S.	
Williams, W.	

TELLERS.

Crawford, W. S.  
Roebuck, J. A.

Main question agreed to.

Bill read a second time.

The House adjourned at a quarter past eight o'clock.

### HOUSE OF LORDS,

*Thursday, June 22, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>a</sup>. Princess Augusta's Annuity; Salmon Fisheries.

2<sup>a</sup>. Wheat, etc. Canada.

*Reported.*—Assessed Taxes.

*Private.*—1<sup>a</sup>. Oxnam's Estate; Maryport and Carlisle Railway; Borrowstounness Harbour and Improvement. *Reported and Queen's Assent.*—Northampton and Peterborough Railway.

5<sup>a</sup> and passed:—Leamington Priors Improvement; Great Bromley Inclosure.

PETITIONS PRESENTED. By Viscount Melbourne, from Lochwinnoch, for the Repeal of the Corn-laws.—By Lord Braybrooke, Lord Rayleigh, Earls Stanhope, and Hardwicke, from a number of places, against the Canada Corn Bill.—By Viscount Melbourne, from Leicester, against Lord Ellenborough's Proclamation.—From several Clerical Bodies, for Altering the Laws relative to Tithes.—From a number of places, for encouraging Schools in connexion with the Church Education Society (Ireland).—From Cottenham and Orsett Union, for Altering the Poor-laws.—From Colchester, against the Union of the Sees of St. Asaph and Bangor.—From Finsbury, for Inquiry into Socialism.—From Colchester, and Suffolk, for Church Extension.—From Patrick Stead, for re-considering Scotch Church Question.—From J. H. Elliot, for Alteration of Law of Arrest.

SPIRIT DUTIES (IRELAND.) Lord Montague rose to call their Lordship's attention to certain resolutions, of which he had given notice, upon the subject of the Irish Spirits Duties, but before he proceeded to address their Lordships on the subject of his mo-

tion, he could not but refer to a notice given in the House of Commons, for the repeal of the act of the last Session, which he had the gratification of thinking would save their Lordships some trouble, by greatly limiting the remarks which he should have to make. The present subject was one to which he had already very frequently drawn the attention of their Lordships; and when he did so last Session, he was supported powerfully by a noble Earl opposite, (the Earl of Wicklow). He made no apology for the present motion, because he was assured that all practical men must feel assured, after last year's experience, of the vast importance of the subject. In the present Session he had on three occasions brought the subject before the House as a great practical grievance, well deserving of their Lordships' consideration and requiring an instant remedy. He had not received much support on those occasions; on the contrary, his statements were controverted, still he was glad to think that the documents he moved for had brought home conviction to the minds of the Government proving that their measure of last year, imposing an increased duty on Irish spirits, was one which could neither be defended nor be adhered to. He did not mean to cast any blame upon Ministers: on the contrary, he thought they were deserving of praise for the manliness with which they had avowed their error; and by such a course they did themselves much more credit than they would have done, by blindly adhering to a most mistaken measure, after they had themselves become convinced of its inexpediency. But if he had been rightly informed, the measure intended by Government was incomplete, and he, therefore, feared would not be successful. When he had formerly addressed their Lordships on this subject, those who had done him the honour of attending to his arguments, would bear in mind that he had always stated, not only that the increased duty imposed by the present Government was wrong, but that the increase made in 1840 by the Government with which he himself had been connected was wrong likewise, though not to the same degree; for Mr. Baring raised the duty from 2s. 4d. to 2s. 8d., whilst the present Government raised it to 3s. 8d. Her Majesty's Government now proposed to repeal the duty of 1s., which they had themselves imposed; but they ought to go farther, and repeal also the duty of 4d. imposed in 1840; he did not imagine that they would

allow themselves to be prevented, by any feeling of delicacy towards their political opponents, from doing what they believed to be for the interest of the public. Unless the duty imposed in 1840 was repealed, and the duty reduced to 2s. 4d., there was not any certainty that the object of putting down illicit distillation would not be attained; this he would prove, both on authority and experience; and if he succeeded in this, he hoped her Majesty's Ministers would not fall into the error of passing an incomplete and ineffectual measure. They had discovered, and now admitted, that in one important particular the budget of last year was wrong. The Treasury had lost 7,000*l.* a year, where they had anticipated a gain of 250,000*l.*; and he hoped that, in retracing their steps, they would do it so as to remove the evil effectually. There was no limit to the duty which ought to be imposed upon spirits, except the amount which they were able to collect. They ought to approach the smuggling point as nearly as they could, and obtain from spirits as large a revenue as it was possible to collect; and when he urged upon Government a reduction of the existing duty, he did so specially on the ground that the high duty acted as an encouragement to illicit distillation, and failed in producing revenue. The evidence on the subject was complete. It was evidence collected from individuals of weight and consideration, extending from the year 1822 down to the present time. In the year 1822 officers of the excise of the greatest experience, and of the highest character, and he referred especially to the evidence of Messrs. Coffee, Crotty, and Logie, distinctly stated that they could not collect a rate of duty as high as that which the Government still proposed to continue upon spirits. The report of the commissioners of inquiry recommended a large reduction, and they stated, that the increase of even sixpence in 1826 had had the effect of greatly increasing smuggling in Ireland. Similar testimony was given by individuals in the other House of Parliament who were thoroughly conversant with the subject. In the year 1830, when it was proposed to add 1s. to the duty on Irish spirits. Sir John Newport, who was well acquainted with the operation of that duty, warned the Government that the proposed increase would immediately revive illicit distillation, and with it all the disorders and disturbances which a few years be-



fore, it had been found so difficult to quell. In 1834, the same position was taken up by Earl Spencer, who in that year proposed to reduce the duty upon spirits to 2s. 4d. a gallon, which was the amount at which he now entreated their Lordships to fix it. Under that reduction the largest amount of revenue that had ever been collected from this source was paid into the Exchequer. He alluded to this fact, because many noble Lords might suppose that he only wished to relieve Ireland from a certain amount of taxation. No such thing. His object was to have that duty imposed which would produce the greatest amount of revenue. In addition to the evidence to which he had already referred, he had the testimony of one witness of unquestionable authority, namely, the present Chancellor of the Exchequer, and in his name, and upon his authority, he entreated the Government to hesitate before they continued a duty which would neutralize the effect of the alteration they proposed. In 1840, when Mr. Baring proposed to increase the duty, the present Chancellor of the Exchequer gave it as his opinion that an additional duty would lead to a loss of revenue, and stated that his experience on the subject had led him to the conviction that in proportion as they decreased the spirit duty, the revenue would be augmented, and that the effect of increasing the duty had been to diminish the consumption, and, consequently, the revenue. In giving this opinion the present Chancellor of the Exchequer referred to the experience, furnished by his measure of 1830. He had now given them the evidence of their own Chancellor of the Exchequer, and of two predecessors in office, and upon this evidence he would entreat the Government to reconsider their plan, and not to stop half-way, but at once to adopt a measure that would really prove effectual; namely, to reduce the duty to the amount at which it stood in 1834. It was now admitted that illicit distillation had increased to a fearful extent, that the gaols had been filled as the result of the present system, that the increase of crime had been contemporaneous with the increase of duty, and that a reduction was the only remedy that could be effectual. The question of the increase of duty, and that of the increase of crime, were inseparably connected, and he trusted their Lordships would not hear it again contended that the increase in illicit distillation had been only the result of the low price

of grain. No doubt the low price of grain tended in some measure to encourage illicit distillation, but to prove that the increased duty which it was now proposed to leave in force was enough to cause increased smuggling, he need only refer to what had taken place after the imposition of an increased duty in 1840. The increase took place all over the empire; it was the same in amount, namely, 4d. in England, Scotland, and Ireland; and though that might appear to their Lordships a small sum, yet, when it was considered, that 4d. amounted to above 20 per cent. upon the whole amount of the antecedent duty, and to 25 per cent. upon the value of the articles, their Lordships would feel that it was not so trivial as it first appeared. But as this fixed sum of 4d. bore a much smaller proportion to the high duties in England, and to the duties in Scotland, than to those in Ireland, the loss of revenue was just in proportion with this ratio. The change which had been carried into effect in Ireland reduced the consumption of spirits five millions of gallons, nearly one-half of the whole amount consumed. He was perfectly persuaded that if the Government knew the extent to which illicit distillation was carried on, it would not require a second appeal on his part to induce them to repeal even their additional duty. The mischief done was infinitely greater than he could have anticipated when he last addressed their Lordships. It might be supposed by some whom he addressed, that a distillery required a large outlay of capital; but, the fact was, a still could be purchased for 3*l.*, or the use of a still might be hired for each operation for 2s. 6*d.* Besides, it should be borne in mind that the farmer, by selling barley to the illicit distiller, could realize double its ordinary market price. If the distiller was detected, he was frequently only fined in a mitigated penalty; if not detected, then he realised enormous profits. There was another evil resulting from the practice of illicit distillation, and that was this—the higher classes connived at the violation of the law. It had been stated in debate, that a clergyman of the Established Church, himself largely engaged in illicit distillation, had actually made an importation of spring guns and man traps, in order to keep out the guager from his grounds. He had examined into the truth of this extraordinary statement, for he was unwilling it should rest on an allegation made in debate. He made inquiries, and he found there existed such an official re-

port from the collector of Derry, respecting the rev. Lucius Carey. He imported man traps, avowedly to catch any revenue officer that might attempt to come into his grounds. There is another circumstance relative to that Gentleman, stated in the same report. He was summoned to attend an excise trial, at Derry, against one of his own tenants, and on that occasion he publicly addressed the barrister for the prosecution: "You know a revenue oath is of no consequence; you will find I can be of no service to you." Then, turning to the smugglers, you were in great numbers in court, he said, with the book in his hand, "Now, boys, you will see how I will switch them for you." [Lord Glengall: Was this a beneficed clergyman?] Yes, and he had been deprived of his benefice for misconduct. [The Lord Chancellor: When was this?] It was referred to in the report of 1816-17. It was quite true, that this was a long time ago; but it showed the system. However, he came to the testimony of a gentleman known to the noble Earl, he meant Mr. Brown, of the firm of Stein and Brown—a Scotch gentleman, who had invested a large capital in a distillery in Ireland. In his examination in 1822, he said that the best customers of the smuggler were the magistrates, the officers of the army, and the dignitaries of the Church. Another testimony was that of a gentleman engaged in a distillery in the county of Donegal, from 1822. He said, the practice was daily gaining ground in consequence of the use by the gentry of illicit whiskey at their private tables. Mr. Alexander Stewart, the Member of Parliament for the county, was examined in 1816, and was thus questioned:—

"Would the gentlemen of Donegal drink Parliament whiskey? I really am of opinion that they would drink Parliament whiskey if they could not get better.—Do you not think the example of magistrates consuming spirits, made by persons whom it is their duty to send to prison, is mischievous to the country? A magistrate would have a great many to send to prison. I think it is very immaterial, the quantity they use is so small.—Do you not believe it frequently occurs? Numbers of times. There are a number of private gentlemen who do so for want of better."

That was the extent of the morality of the magistrates of the county of Donegal in 1816. But it was a matter of notoriety that notions of propriety on this head were not very strict at either side of the channel, for it was said that illicit whiskey found its way to the table of the head of the magis-

tracy of Ireland, Lord Manners in this country, and even to the table of royalty itself. He did not mean to say, that evils to this extent existed at present, for he knew that a better principle had sprung up amongst all classes; but he warned the Government against sanctioning the continuance of a system which held out the temptation to landlords of adding to their rents by increasing through distillation the profits of their tenants. He entreated their Lordships not to rest satisfied with any half measure, but to take bold and effective steps for the abolition of a system, which all the experiments that had been tried proved to be most demoralizing, and most dangerous to the public peace. Distillation was now carried on to a great extent: farmers had learned to dispose of their produce to the best advantage, and a bold measure was requisite for its suppression. He had obtained the following information from a highly respectable source:—

"The facts which came to my knowledge during my recent visit to Ireland, regarding the increase of illicit distillation, and which I promised this morning to communicate to you are as follows:—1. The spread of this most demoralizing practice is, I have great reason to believe, much more general than is commonly supposed, even by those who are aware of its great increase. I speak of the counties of Derry, Tyrone, and Donegal, in which there was little or no distillation previous to the recent alteration of the spirit duties. Yet, to such an extent does it prevail at the present moment, that a resident gentleman, well conversant with that part of the country, assured me that there were at least a dozen stills at work within a circuit of two or three miles of his own house, and that he would take me to two within a gunshot of his door. This is in a part of the country with which I am well acquainted, and where I never heard of such proceedings before the period already referred to. 2. The cause of this alarming spread of illegal distillation I believe to be twofold: the increased duty on spirits, and the present low price of grain. The former cause is indicated by the fact, that the illicit practices commenced immediately subsequent to the imposition of the duty, and before the depression in the corn market took place, as well as by the recognition of the peasantry indicated by the name of Peel's whiskey, which they bestow on the illicit spirit. The second is, I think, proved by the fact that it is no longer the wretched cottiers and semi-paupers who carry on the trade as formerly, but the more substantial and respectable class of farmers. They do not appear openly in the matter, but they furnish the materials, receive the produce, and pay the mitigated fine when detected. This is one of the worst features in the whole case,



and there is a general apathy even among the higher classes, which prevents them from taking active measures for discovery, however zealous they may be in all cases which are actually brought under their notice, and which renders it impossible to suppress the vice by any means other than the repeal of the duty. I hope the proper remedy will be applied, without loss of time, for every hour's delay will render it more difficult to extirpate the practice even by repeal of the duty. The taste of the peasants, who had been accustomed for many years to the flavour of the large still whiskey, is coming rapidly round to the milder flavour of the illicit spirit, and the preference once formed, will continue the practice of distillation for some time at least, even in spite of low duties."

They had an Arms Bill before the other House of Parliament, and one of the clauses placed every smith's forge in Ireland under licence. But an illicit still was a much more dangerous place of meeting than any forge, and crime more frequently originated there. He should give the testimony of a most respectable clergyman, the rev. Edward Chichester who witnessed with his own eyes the horrors he described:—

"The Irish system seemed to have been formed to perpetuate smuggling and anarchy. It has culled the evils both of savage and civilised life, and rejected all the advantages which they contain. The calamities of civilised war are in general inferior to those produced by the Irish distillery laws; and I doubt whether any nation of modern Europe, not being in a state of actual revolution, can furnish instances of legal cruelty commensurate to those I have represented."

But it was said such scenes had passed away. He held, however, in his hand, an account of a seizure of a still which had been made only a few weeks ago:

"On Monday, the 13th instant, Mr. Fitzgerald, officer of excise, stationed at Ballymoney, with six other officers, proceeded, on information, to a certain house close to the village of Dunloy, in a district of country commonly called Killymorris, in this county, and, immediately on their arrival, seized a still at work. The instant they did so horns were sounded, and the neighbourhood, which is populous, at once became in a ferment; all manner of exciting signals were instantly given, which seemed to be perfectly understood and readily complied with; the people immediately commenced assembling to the spot where the seizure was made. The officers, calculating on what must ensue, hastened with the still and its appendages off the premises, lodging it on a car for removal to Ballymoney, they having partially destroyed other utensils used in the process of distillation.

They had only moved a short distance forward when a general rush was made to deprive them of the seizure; the people, men and women, being armed with stones, pressing on the officers, from whom they rescued the still, the most cumbersome part of the seizure. This, however, did not satisfy the aggressors, who continued in the pursuit of the officers, for the purpose of recovering the head and worm of the still; this they fortunately did not effect, chiefly, we understand, owing to the speed at which the officers drove off; and so closely were these servants of the Crown pursued by the assailants, that notwithstanding their horses having been put to full speed, they could barely keep pistol-shot in advance of their pursuers, for a considerable distance along the road, till at length these misguided and infatuated creatures were obliged to abandon their lawless designs, and thus, happily, a conflict was averted, the result of which it is impossible to foresee."

Here, again, is described a perfect system of organization for violating the law; here we find violent attacks made against those who were discharging their duty—attacks which frequently ended in bloodshed. He feared if the Government did not go back to the principles acted on by Lord Spencer and Mr. Robinson, the sacrifice they were now prepared to make would be found inadequate to meet the existing evils. He had to apologise for delaying the House so long, but his object was to put the Government in possession of facts before the Chancellor of the Exchequer made his statement, in hopes that an effectual change should proceed from the Government itself, rather than be forced on them as the effect of an hostile division. He wished the Government to consult those who were the most experienced and best qualified to guide them; he wished them to refer to the declarations of their own Chancellor of the Exchequer in 1840. Last year the one shilling duty had been defended as free from all objection, but experience had come to the aid of his argument and disproved such confident predictions. So would experience disprove the too sanguine expectations entertained as to the new change. He maintained that the present Treasury should repeal the measure passed by the late Government. If they swallowed the camel of their own blunder, they should not strain at the gnat of their predecessors. He was prepared to prove that the reduction of the duty had, in the time of Lord Liverpool and Lord Spencer, increased revenue and diminished crime. He warned the Government, then, against stopping

short in the full measure of relief which the public had a right to demand. He should not press his resolutions, because that would have an ungracious appearance, but should be quite satisfied with their being retained on the journals for the consideration of the Government and of Parliament.

The Duke of *Wellington*: As the noble Lord had not pressed his resolutions, it would be unnecessary to follow him through his statement. The noble Lord must feel that all parties must have the same interest in this question—that was, to realise the largest amount of revenue and to diminish smuggling and crime to the greatest possible degree. He was sure the House and the Government must be much obliged to the noble Lord for the pains he had taken to convince their Lordships and the Government of the best mode of dealing with this question; and of course his suggestions would receive all the attention that was due to a person of such high authority. He should offer a remark on the delay which had taken place in bringing the question forward in another place, where, however, notice had been given of another motion on the subject. The fact was, his right hon. Friend whose duty it was to bring this question under discussion, met with a severe misfortune some time ago, and on the first day on which it was possible to enter into the consideration of public business, or to communicate with others, he decided on the proposition of which he had last night given notice. That was the reason of the delay and no other. He told the noble Lord some time ago that some change in the present law might be expected. He was very sorry that any delay had taken place; but he did not think that any great inconvenience was suffered by the noble Lord, as he was thoroughly master of the whole subject. He should not enter into a description of the measure to be proposed by his right hon. Friend, as all details would be more properly stated by him in another place. He could only say that the recommendations of the noble Lord would receive full consideration.

Lord *Monteagle* hoped that, as the noble Duke had been so obliging as to refer to him as an authority, his recommendation would be adopted. The only test of its utility he should take was the revenue accounts for the last twenty years. He hoped he should not be considered as complaining of any delay which resulted from

the heavy calamity which had fallen upon his right hon. Friend—a man who had, of course, political opponents, but no enemies. No one sympathised more truly than he did for the Chancellor of the Exchequer's affliction. He had watched the progress of the individual whose loss they must all lament, and he could say, from his own knowledge of the high character of his mind, and from his extraordinary acquirements, and above all from his exalted principles that his death was a loss to his country as well as to his family. He said so much, not because his praise was worth anything, but because he was anxious that it should not be supposed that he attributed any blame to his right hon. Friend, whose character he had always respected, and for whose family sorrows he felt the deepest and most unfeigned sympathy.

Subject at an end.

Their Lordships adjourned.

## HOUSE OF COMMONS,

*Thursday, June 22, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Appeals (Privy Council). *Reported.*—Grand Jury Presentments (Ireland).

5<sup>o</sup>. and passed:—Chelmsa Hospital.

*Lords' Amendments agreed to.*—Millbank Prison.

*Private.*—*Reported.*—Inchbelly (Glasgow) Road; Monkland and Kirkintilloch Railway.

PETITIONS PRESENTED. By Mr. Bernard, from Greenwich, in favour of the Scientific Societies Bill.—By Messrs. F. Maule, T. Duncombe, and Cobden, from a great number of places, against the Factories Bill.—By Mr. Ward, from the Medical Association, for Medical Reform.—By Mr. Bramston, from two Unions, against the Poor-laws.—By Mr. Mackinnon, from Metropolitan Bodies, in favour of the Health of Towns Bill.—From Edinburgh, for carrying out Rowland Hill's Plan of Post-Office Reform.—From Frome, against the Union of the Sees of St. Asaph and Bangor.—From the Clergy of Sussex, against the Parochial Assessments Act.—From Southwark, against the Turnpike Roads Bill.—From Llandovery, in favour of the Small Debts Bill.—From Lieut. Burslem, against Appeals (Privy Council) Bill.

## POOR-LAW (SCOTLAND) THE CHURCH.]

Mr. *Fox Maule* wished to ask the right hon. Baronet at the head of the Home Department whether it were intended on the part of the Government, to introduce any bill to vary the provisions of the Poor-law Act with respect to Scotch and Irish surgeons attending in prisons and unions? Another question which he had to propose to the right hon. Gentleman was, whether he intended to introduce a bill to provide for the endowment of parishes for *quoad sacra* ministers? It was understood that her Majesty's Government intended to appropriate certain property or fees in Scotland for the endowment of those ministers.



Sir James Graham said, that, with reference to the first question, a draft of a bill had been prepared by the governors of prisons in Scotland, which was now in his possession. He had taken the opinion of the law advisers of the Crown upon the subject, and he hoped in a few days to be able to introduce a bill on the subject. With regard to medical practitioners, members of Scotch universities, not being allowed to be engaged in England under the Poor-law Amendment Act, he had already stated his opinion that it was a grievance both with regard to them and Irish medical practitioners; but that arose from the Apothecaries Act. He was anxious to remove the grievances under which Irish and Scotch practitioners laboured; but he was not disposed to introduce any clause into the Poor-law Amendment Act to remedy it, because, as he stated, it involved of necessity the whole question of medical reform. With regard to the third point, which was the most important, the right hon. Gentleman misunderstood what fell from him on a former occasion. He did not undertake to introduce any measure for the continuance of *quoad sacra* ministers in Scotland, much less for their endowments. It was not the intention of her Majesty's Government to propose any means of endowment for those ministers.

THE ARMY—IRELAND.] Mr. Wyse begged to ask a question of the Secretary at War. It was stated, that a circular had been addressed from the Horse-guards to the commanding officer of every regiment in the army, directing him to make a return of Irishmen in his regiment, without delay, the object being understood to be to enable the Commander-in-Chief to determine which regiments might be the most safely or prudently stationed in Ireland to provide for the contingency of any repeal outbreak. Now, though he (Mr. Wyse) attached no credit to this rumour, others were affected differently, and he thought it right that the Government should take the first opportunity of formally stating whether it were or were not correct, as if uncontradicted it might lead, indeed had led, to angry impressions in Ireland.

Sir H. Hardinge said, he could assure the hon. Gentleman that no such order had been issued. The usual notices from

the regiments always specified the birth-places of the different soldiers.

THE TOWNSHEND PEERAGE.] On the motion for reading the Order of the Day for going into committee on the Sugar Duties Bill,

The Earl of Leicester said, he hoped he was not out of order in the course he was about to take, or if he was, he trusted the House would extend its indulgence to him while he made some reference to what had fallen from an hon. Member on this subject, and which had also been stated by a noble and learned Lord in another place, namely, that from the silence of the Marchioness of Townshend on the subject, she might be taken as giving her consent to the bill now pending. He (the Earl of Leicester) rejoiced in having an opportunity of giving a contradiction to that statement. He must also state, that he disapproved not of the manner in which the hon. Member (Mr. J. Stuart Wortley) had introduced the bill, but of the extraordinary way in which a certain noble and learned Lord in another place had, from the materials in his possession, made reference to what might be supposed, from the noble and learned Lord's observations, to be a communication from the Marchioness. The noble and learned Lord had said that the Marchioness had made a communication of a certain nature, and, from reading the account in the newspapers, one would suppose that that communication had been made by the Marchioness. That was utterly untrue. The communication was made by an interested agent—an honest man, he believed, but still an agent interested for the Marquess. Before the noble and learned Lord made that statement, and attached so much importance to it, it behoved the noble and learned Lord to have considered whether this authority was a proper one or not. As it was stated the other evening that there was not any property involved in this matter, he begged to assure the House that there was a great deal of property involved in it. If the bill should pass, he should be deprived of all the property belonging to the Marquess's family, and he would thus be materially affected in a pecuniary point of view. With respect to the evidence, he must say that a great deal of it was founded upon mere hearsay. In making this statement, he thought he was doing no more than what was just to himself. He did

not like to say anything injurious of the individuals who had appeared against him; but he believed, on his honour, that many of the parties knew nothing about the circumstances of which they spoke. He would not enter into the subject any further upon the present occasion, but would reserve anything in addition he had to say until the bill came before a committee, when he should certainly avail himself of every lawful and legitimate means for the purpose of throwing out the bill.

EXPENSE OF COLONIES—COLONIAL TRADE.] Order of the Day read for the House to resolve itself into a committee upon the Sugar Duties Bill.

On the question that the Speaker do leave the Chair,

Mr. *Cobden* said, that he believed the subject upon which they were about to legislate was, with one exception only, the most vital, in connexion with the commerce of the country, which could occupy their consideration. It was proposed that they should go into committee on the present Sugar Bill, which was about the very worst bill that was ever devised for this country. He begged to call the attention of hon. Gentlemen opposite to the system upon which our colonial affairs were now administered, for he believed that on that subject great misapprehension prevailed amongst them. He did not wish to be misunderstood as to the course he was going to take. He was not opposed to the retention of colonies any more than hon. Gentlemen opposite. He was as anxious as any one that the English race should spread itself over the earth; and he believed that colonization, under a proper system of management, might be made as conducive to the interests of the mother country as to the emigrants themselves. But he also believed that the system upon which our colonial affairs were now conducted was one of unmixed evil, injustice, and loss to the people of this country. He was about to mention a few facts in support of this proposition, and if they should be disputed he was prepared to give proofs of their truth. What was the first thing we should require of our colonies in the present condition of the people of this country, in order to make them profitable to us? Why, it was that they should help us to maintain our existing burthens.

But did the colonies contribute towards the revenue of this country? He believed there was a great deal of misapprehension upon this point—not in the House, but out of doors—and his present object was to have that point at once answered. Did the British colonies contribute towards the taxation of this country? Why, this question was met at the very threshold by the act of the 18th of Geo. 3rd, which expressly declared that we had not any right to tax the colonies for the benefit of the mother country. The British Parliament passed that law after trying to tax our American colonies, and they all knew the result of that trial. But having passed that law repudiating the right of taxing our colonies, it led them next to inquire, did the colonies pay their own expenses? In looking into that question, he found that the mother country furnished her colonies with an army and a navy, and maintained every description of military defence all over the world; that in some cases this country supplied the colonies with schoolmasters, with bishops, with magistrates; that she built them light-houses, constructed their canals, and, in fact, the mother country not only did not derive any revenue from her colonies, but that, besides maintaining for them large fleets and armies, she paid almost everything that constituted the governmental expenses of the colonies. Now, if these were facts, hon. Gentlemen opposite would see that they were important facts, and that they bore importantly upon the question they were now going to decide; that was to say, the question whether the Legislature ought to give to the colonies a monopoly for supplying articles of subsistence to the people of this country. Those persons took a very inadequate view of the expenses of our colonies who confined themselves to the direct money votes made on account of the colonies. It was forgotten that a large proportion of the army was devoted to the service of the colonies. The distribution of the British forces on the 1st of January this year he found to be thus: out of 88,510 rank and file, there were stationed abroad (exclusively of India) 44,529 rank and file, the number left at home being 43,981. Thus, it appeared that more than half of our army was stationed in the colonies. But it had been stated by the authorities at the Horse Guards, and it was also stated by the noble Lord the Member for Tiver-



ton, when Secretary at War, that for every 10,000 men in the colonies, 5,000 were wanted in England for the purposes of making the necessary exchanges, and for recruiting the regiments abroad; therefore, not merely half, but three-fourths of our army were devoted to the colonies. The army estimates this year amounted to 6,225,000*l.*; the proportion of that sum, which might be put down as being expended on account of the colonies, was at least 4,500,000*l.* But the colonies also have a navy; wherever there were colonies, there did the mother country station ships to guard and serve those colonies. Yet these ships were not paid for by the colonies, but were supported out of the taxes of England. The estimates put down for the navy this year amounted to 6,382,000*l.* He had no means of ascertaining what proportion of those estimates was allotted to the colonies, but it was quite certain that a very large proportion was so applied, and thus another large additional charge must be put down to the debit of the colonies on account of their naval force. He now came to the ordnance, the amount of which bore a proportion always to the extent of the army and navy, and the sum voted for which department was 1,849,000*l.*, of which he put down a large share to the account of the colonies. In short, it would be found according to the lowest estimate, that five or six millions sterling were every year applied to the maintenance of the colonial army and navy. This, however, was only a part, and other charges in direct votes of the House were to be taken into consideration; in the present year, these direct votes under the head of Colonial Estimates amounted to no less a sum than 241,000*l.* He did not intend to enter into the question how far those votes had been right or wrong; he did not mean to invite his hon. Friend, the Member for Coventry, to discuss the estimates again. It was sufficient for his purpose that the House had thought fit to pass the votes, and he asked the House, with him, to take these charges into consideration, on going into the question as to whether the colonies should be protected, as it was termed, in the supply of their productions to the mother country. Let the facts he had stated, and was about to state, be disputed, or let them go with him in the argument which he deduced from them. He would furnish the House with a few

items. Governors' establishments in the West Indies cost this country 18,667*l.*, and to these were to be added the clergy of North America, to the amount of 11,500*l.* The stipendiary magistrates in the West Indies and at the Cape of Good Hope occasioned a charge of 49,700*l.*, all taken out of the taxes paid by the people of this country. Lighthouses in the Bahamas had cost 1,920*l.*, besides which, there were permanent charges for the garrisons and colonies of which many persons had no idea. Thus the citadel of Halifax cost 175,863*l.*; the new works at Gibraltar, 225,000*l.*; the fortifications at Kingston, 220,000*l.*; the completion of the works at Corfu were charged at 100,500*l.*; the new barracks at the Bahamas at 17,000*l.*, and the permanent barracks in Jamaica at 30,000*l.* These amounts were all paid out of the taxes of this country. He had only quoted a few of the items, but they embraced all kinds of services, civil, military, naval, and ecclesiastical. Among other small charges, he found a verger's salary and the rent of a Protestant burial ground at Quebec. What he had already advanced, however, had no application to lately-invented colonies, if he might so call them. He believed that some hon. Gentleman near him had been much engaged in promoting the establishment of colonies on a self-supporting plan. He would take one of them, New Zealand, which had been brought under the notice of the House on a distinct pledge that it was to support itself, and some hon. Friends near him had stood godfathers to the enterprise. He believed that the population of New Zealand was now about 10,000 or 12,000 souls, and for them no less a sum than 61,000*l.* had this year been voted out of the taxes of this country. Among the charges, he found 600*l.* for a bishop—a bishop of New Zealand!—besides 590*l.* for chaplains and schools. It had been said that South Australia was to be self-supported; the hon. Member for Lambeth reminded him that such was the fact. It was established about eight years ago, and it had now no more than 20,000 inhabitants, if so many, yet he believed he was within the mark when he said that it had already cost the people of these kingdoms more than 400,000*l.*, and he had been told that we did not know the worst of it yet. There was a still smaller colony recently sprung up, the Falkland Islands. Somebody had, dis-

covered that it was important to make them a British colony; yet they produced no timber, not a stick. They had scarcely even wholesome grass on which animals could subsist; they grew no corn, yet they had been taken possession of, and a flaming account of the advantages to be derived from them had been promulgated. He was in a condition to prove the degree of advantage they were to this country at present, for this year 4,350*l.* had been voted for the Falkland Islands. The returns on the Table stated that the population consisted of seventy-eight souls, including the governor's establishment, so that the cost to this country was about 55*l.* a head; the governor received 600*l.*, a magistrate 400*l.*, a chaplain 300*l.*, and a surgeon 300*l.* He was not now discussing the propriety of any of these grants; but he asked how it was expected that this country would be reimbursed for the outlay? The colonies, as he had shown, contributed nothing to our taxation, but we were taught to believe that we were compensated by our trade for the expenses to which we were subjected by our dependencies. He now came to the mode in which he wished to apply these facts as arguments, and to show in what way the colonial trade did reimburse the country for the expenses of the colonies. What was our colonial trade? Certain persons, whom, perhaps, he might call "young England," were fond of the words, "ships, colonies, and commerce," and they were constantly throwing in the teeth of others the advantage of the colonies. Had these Gentlemen ever considered the extent of the colonial trade? In 1840, the whole amount of exports, according to the returns before the House, was 51,000,000*l.*; and out of that fifty one millions, sixteen millions of exports were to the colonies, including the East Indies. Thus, not one-third of our export trade was to our colonies, and from the sixteen millions, six millions were to be deducted for the East Indies, (which, as he had stated, were self-supporting, and they were the only part of our colonies which did pay their own expenses,) leaving only ten millions as the amount of trade to be set against the five or six millions of money annually taken out of the pockets of the people of this country. Ten millions in round numbers was the amount of the trade with our colonies, exclusive of the East Indies, and upon

this ten millions of exports we incurred an expense of from five to six millions a year. Then, what sort of trade was this? It was precisely as if a shop-keeper should give, with every pound's worth of goods, half a sovereign to his customer. The notion to which currency was given, was that this trade was extremely profitable, not that it was so large, but that it was so especially advantageous. A greater delusion had never been circulated; it was not in the nature of things that an extra price should be paid by the colonies for commodities, which all the rest of the world could obtain at a cheaper rate. Two-thirds of our trade was to neutral countries, and it was impossible to derive greater profit from goods sent to our colonies, than from those sent to North America, Brazil, or Russia. He asked, then, whether this was exactly a trade which was to warrant the claim of a monopoly? Whether in addition to all other expenses, the people of Great Britain ought to be called upon to pay double its value for every article obtained from the colonies? Such was the exact condition of affairs; not only did this country pay five or six millions annually for the expenses of the colonies, but three or four millions extra as an additional price for articles supplied by the colonies. This was the process which had been annually sanctioned by Parliament. Some Gentlemen had felt offended with him for saying out of doors that business was conducted in the House of Commons with less wisdom than was required for the successful management of a chandler's shop. He would ask what retail trade could be carried on, on such a plan, unless the conductor of it found his way into the *Gazette*, and he would perhaps meet with no little difficulty in obtaining his certificate afterwards. Now what, he would ask, became of the arguments by which hon. Members on the other side usually defended another monopoly maintained at home? When complaint was made of the monopoly in corn, the other side exclaimed, "Look at our taxation, at the excessive and exclusive burthens we bear;" but here he brought before the House a case where monopoly was maintained, although there were not only no exclusive burthens, but the people enjoying the monopoly were exempted from the contribution of taxes which the inhabitants of other countries were compelled to pay. The landowners



in England insisted that they could not compete with foreigners in the production of corn, on account of heavy taxation; but what was to prevent the West Indies from competing with other countries, seeing that they had not only no extra taxation, but that they were exempted from many charges which in other countries were required for the support of the Government? The noble Lord the Member for London had laid down a very sound doctrine, as far as it went, on the subject of corn. He said,

“I repudiate protecting duties on the score of general taxation, but I support a fixed duty on the score of specific taxation.”

He asked that noble Lord to go with him in abolishing the monopoly in the West Indies, upon his own principle. There could be no ground for maintaining that monopoly. The only ground the noble Lord had taken failed him, and in defence of the monopoly in the West Indies he had not left himself an argument to rest upon. Many hon. Members seemed to think that colonies were the main, if not the sole, support of our shipping. He had stated the small proportion which the trade with our colonies bore to the whole trade of the country, and in shipping only one-third were employed in the colonial trade; two-thirds, or nearly two-thirds, was employed in foreign, independent, and neutral markets, where there could be no protection and where all were subject to competition. He should like therefore exceedingly to understand on what ground the Chancellor of the Exchequer was about to propose that the people of this country should pay for sugar double the price it bore in other countries. He hoped that the right hon. Gentleman would carry with him into the discussion the facts he had broadly laid down as to the expense of the colonies to Great Britain; and he wished him to consider well how, in the present condition of the people, he could continue to lay upon them these most unjust burthens. He would boldly ask whether, in the case of the West Indies, there was even a shadow of that pretence which it was asserted existed in other cases. The extent of the colonies, as regarded population, had been monstrously misrepresented: the whole population, with the exception of the East Indies, at this moment, did not amount to five millions. If he took merely the British race, we had not a population

of two millions and a half in all our colonies in Europe, Asia, Africa, and America, including the East Indies. He made no reference to extent of territory; it was with people we had to deal, and not with barren wastes. Of what use was it, in the present condition of this kingdom, to point to a boundless extent of territory in America when people were wanted as customers and consumers? The system of trade in this country shut it out from the populous and civilized nations of the world, in order to maintain a monopoly for the sake of two millions and a half of the British race, independently of negroes and natives. Looking at the subject as a matter of policy, he would ask whether, in the present state of this country, it was fit that such a line of policy should be persevered in? Looking at Brazil alone, let it be remembered that one of its rivers would hold in its mouth the whole of the West India Islands without obstructing its navigation. Here, indeed, was a boundless field for the operations of commerce. He did not admit that the West Indies had any right to this monopoly, even if he had not shown what an enormous amount of taxation was borne for them by this country; but he contended that the very argument used on the other side, in defence of the Corn-laws, was cut from under the feet of those who advocated the sugar monopoly by the facts he had adduced. If the facts were disputed, some difference might be made in the conclusions; but if they were not denied, and all knew that they were undeniable, the deductions he had drawn from them were inevitable. Therefore he wished to stop this proceeding at the outset; but at the same time he reserved to himself the right of opposing the resolutions should the House resolve itself into a committee. He opposed the motion that the Speaker leave the Chair, and begged to submit the following resolution as an amendment:—

“That in the opinion of this House it is not expedient that, in addition to the great expense to which the people of this country are subjected for the civil, military, and naval establishments of the colonies, they should be compelled to pay a higher price for the productions of those colonies than that at which similar commodities could be procured from other countries, and that therefore all protective duties in favour of colonial produce ought to be abolished.”

Mr. G. Berkeley spoke to order. He

apprehended that the amendment was irregular.

The *Speaker* apprehended that the amendment could not be put in its present shape. All amendments, except on motions for going into Committee of Supply and ways and means, ought to be essentially analogous to the subject. The amendment of the hon. Member for Stockport related to Colonial duties generally, and went far beyond the Sugar duties and could not, therefore, be put.

Mr. *Cobden* said, that as his amendment was out of order, he would be content to divide on the amendment of the hon. Member for Dumfries.

SUGAR DUTIES.] House in committee on the Sugar Duties Bill. On clause 1,

"Duties imposed by 6th and 7th Will. 4th chap. 26th and 3rd and 4th Vic. chap. 17. be continued till 5th July 1844."

The *Chancellor of the Exchequer* said, that the grounds upon which he moved, the sugar duties mainly rested on those which he had laid down on the last occasion when he addressed the House on this subject. He had then stated to the House distinctly, that he felt as strongly as any man in the House the importance to this country of selling to the consumer the commodity of sugar at as cheap a rate as was compatible with the general interests of the empire. It would have afforded him the highest possible satisfaction to have proposed and made such a general reduction in the duties on sugar, whether imported from our own colonies or from other countries in connection with this country, as should effect a material reduction of price, and a freer admission and use of the article, and extend its consumption to those classes of the community who were now deprived of it. He still remained of the opinion which he had then expressed; and if the state of the revenue at the present moment was such as to admit of a great experiment being made with respect to the reduction of those duties he should have been most anxious to carry a measure into effect which should secure such a desirable object as that which he and hon. Gentlemen opposite wished to carry out. But he was sure he need not use any argument to the House to prove that any experiment on the revenue which should run the hazard of loss would be one which, under present circumstances, no one could expect to receive the concurrence of the

reasoning portion of the public. The question, then, came before them whether it was desirable to make a change in the sugar duties in the manner proposed by hon. Gentlemen opposite, by a reduction of the duties on foreign sugars to the same amount as those on colonial sugars. He passed over what the hon. Member for Dumfries meant to propose, because it had already been decided that, as long as protection was given on principle to the subjects of her Majesty, the colonies were fairly entitled to a share of it. That argument was maintained in the year 1841, during the discussion on the sugar question; it had since been affirmed by decisions of the House, and he did not think that the hon. Member for Dumfries would find many Gentlemen disposed to support him in his proposition to remove all distinctive duties. Then he came to the amendment of the hon. Member for Lambeth (Mr. Hawes) and he must express his doubts whether by a reduction of the duty on foreign sugar to the amount specified by him (34s.), any advantage would be gained with a view to the main object which they proposed to effect. In considering the question, hon. Gentlemen must bear in mind, not merely the advantage arising from a reduction of the duty, but the disadvantages which might attend that alteration. The proposal which was to be made by the hon. Gentleman opposite was, that there should be a distinctive duty of 10s. between colonial sugar and sugar of foreign growth; that the duty on British or colonial sugar should be 24s. and 5 per cent., and on foreign sugars 34s. and 5 per cent. Now, he thought he could show the hon. Gentleman the Member for Lambeth, that such a reduction was not likely to produce the effect which he anticipated. It might be laid down as a general principle that, in order to extend the consumption of sugar, the reduction of price of the article must be such as to produce a sensible effect on the retail price of the article to the consumers of sugar in small quantities. If they had to consider only the case of the wholesale dealer, he would admit that, though from a small reduction, the profit on each hundred weight would be small, it might still amount to a large sum in large transactions, and would be a great advantage to those persons. He understood, and he believed the feeling of the House to be that, in order to make a reduction effective, it should be to such an extent as



should be sensibly felt by the lower classes of the community, who bought in small quantities. If the hon. Gentleman would allow him to call attention to the relative prices of sugar in the market, he thought he would be satisfied that the reduction to be effected by his plan would be so small as to produce no effect whatever on the general consumption of the article. It might be assumed that the price at the present moment of British sugars was about 35s. 8d.—the average price he meant, being a reduction of rather more than 3s. since the House had this subject under discussion last year. In addition there was the duty of 25s., which the hon. Gentleman proposed to be levied on colonial produce, so that the selling price of British sugar would be 60s. 8d. in the present state of the market. Now, the hon. Gentleman proposed, that upon Brazil and Cuba sugars they should impose upon them a duty of 35s. 8d. He found by recent sales which had taken place of average qualities of these sugars in the market, that at the present average rate of sales, Brazil sugar under that duty could not be sold at less than 58s. 8d. In fixing this price, he assumed even that there would be no rise in the price of that sugar in consequence of its admission into the English market, which was an assumption not to be believed. He took the price of Brazil sugar not from an imaginary average, but as that at which two separate cargoes had recently been sold in the market. He spoke of Brazil sugars at 23s. admitted at a duty of 35s. 8d., making the cost together 58s. 8d., independent of any rise of price on the admission of this foreign sugar. It thus appeared that there would be reduction of price from 60s. 8d. to 58s. 8d.; for it was obvious that the immediate effect of this introduction of foreign sugar would be to bring down the colonial sugar in price to that of the sugar in competition with it; our colonists must take any price they could get in the market. Assuming then that there would be no rise in the price of foreign sugars in consequence of the admission of them into our markets, the hon. Gentleman's proposition would produce a reduction of 2s. per cwt. Now, to suppose that that 2s. per cwt. would produce any sensible effect on the retail price or on the consumption of the article, was, what no man, who understood the nature of the trade, would for a moment think of. If the hon. Gentleman would look to the returns which he had

moved for some time since, he would find that a large reduction of price was essential to any considerable increase of consumption; the only effect of the hon. Gentleman's arrangements would be to transfer from the pockets of the British planter these 2s. into the pockets of the growers of foreign sugar. At the same time the reduction of price would be so small that the wholesale dealer would make no reduction. If the hon. Gentleman proposed a reduction of 9s. or 10s. a cwt. so as to make an alteration of one penny or one half-penny per lb., that might be felt by those persons who consumed this particular commodity; but when the reduction which the hon. Gentleman anticipated did not exceed 2s. per cwt., it was impossible he could so distribute it in retailing the sugar to the community as to confer any boon on the poorer class of consumers. But let hon. Gentlemen look to the other side of the question. Undoubtedly, as to Brazil sugar, this reduction of duty on the produce of Brazil would be an additional stimulant to the growers of that country, while the 2s. in the reduction of the price of colonial produce would be an additional burthen to our own colonists at a moment when they were borne down by those which already existed—it would be a practical transfer of the power of producing the commodity from the colonial producer working by free labour, to the foreign producer working by slave labour. He had therefore stated before, that presuming the supply of sugar to be adequate for the consumption of the country, it was not under those circumstances consistent with the interest, or the honourable character of this country, to give an advantage to the produce of slave-grown sugar at the expense of those colonies and traders who had expressed their earnest desire to promote the extension of freedom not merely to our own colonies, but to all the countries of the world. The best mode of doing this was, by endeavouring to show to foreign countries that the experiment which had been made of raising sugar by free labour was likely to prove more successful than they were at present disposed to consider it. It was notorious that the complaint made in Brazils was, that in consequence of our sugar duties the native growers were compelled to raise coffee instead of cultivating sugar. Was not this change of cultivation a great advantage gained to the slave? Why, therefore, should we not strive to

continue this benefit to those unfortunate individuals who were now slaves? And with respect to the slave-trade, it was impossible for any one who had witnessed the illicit trade in slaves not to have observed that trade was more or less vigorously prosecuted, according to the ideas which were from time to time entertained in the Brazils of the probability of the introduction of Brazil sugar into this country. No man could have attended to the accounts of trade without having been forcibly struck at the enormity of its evils. He contended that those who directly or indirectly gave encouragement to the slave-trade were the active instruments of those who sought to protract this infamous traffic. The reduction proposed in the duties on Brazil sugar would give that encouragement, and it was, therefore, that he was induced to recommend for a limited period the continuance of the existing duties on sugar. He did not do it under the idea that the duties, as at present arranged, were perfect in themselves, or under the idea that it would not be of great advantage to the people of this country to have a supply of sugar at the cheapest possible rate; but as there was every prospect this year, as there was in the last, of an adequate supply from our own colonies, the produce of free labour, he thought it was not politic nor wise, till we could procure some advantage for those unfortunate beings who were about to be taken into slavery from the coast of Africa, or had been imported into the Brazils, to make a change which would give facilities to slave-employing states, or afford encouragement to a new cultivation, which could be carried on only by a new supply of slaves. If he took the quantity of sugar up to the 5th of April last, he found that the supply last year exceeded that of many antecedent years [Mr. *Ewart*: "Not per head."] The hon. Gentleman said, "not per head." But it nevertheless is so. It was not merely by the quantity brought into the country in particular years that the supply could be judged; the only fair mode to judge of the consumption of articles was, to take the average of a certain number of years. He had seen it stated, that the consumption of sugar in France had increased in a greater proportion than in England; but they must recollect that the consumption per head had previously been infinitely less in France than in England, and that here we consumed more per head than any other country in Europe.

If he referred to the year 1831, he found that the consumption was 3,781,000 cwts., and in the next year it was 3,600,000 cwts.; and if he took the addition to the population from that period till 1841, he found that the consumption in the last year in Great Britain had gone on in proportion to the population. The last year had proved one of the greatest consumption, under circumstances which were likely to have greatly diminished it; for the difficulties of the country were admitted by all; and the price when he last year addressed the House on this subject, had been 38s. 8d. He found by the return made up to 5th April of this year, that there was then a larger amount of sugar in the warehouses than at the corresponding period of last year, by 200,000 cwts. The supply from the West Indies this year was expected to be larger than last year. The supply from the Mauritius, he admitted, would be shorter, but the East Indies would supply 60,000 tons; and from what he had learnt, he believed that, including the quantity in store, not less than 256,000 tons of sugar might be anticipated to be brought into this country this year. And when he recollected that in the year ending April, 1843, there had been only 196,000 tons imported, he saw no necessity for any steps on the part of the House to promote an adequate supply of sugar, still less to give encouragement to slave labour, the great object of the House to avoid. As far as regarded the state of the sugar market at the present moment, he must say that nothing could be more satisfactory than it had been during the five months of the present year which had elapsed. Sugar had been imported to the extent of 24,000 tons more than in the former year. The price of sugar, compared with former years, was moderate, and he had therefore every reason to be confident that the benefit of the consumer of sugar would be to a certain degree extended, without inflicting any loss on those engaged in the cultivation of sugar in our own colonies; and, above all, that they need not give additional encouragement to those parties who employed slaves in the cultivation of sugar, or to the growth of sugar in countries where it would strengthen the desire to carry on an illicit slave-trade, which had ever prevailed. He felt very strongly that, under the circumstances in which this country was now placed, the Government measure was, upon the whole,



most consistent with the national feelings and the national character, and with that idea he proposed it to the House.

Mr. *Ewart* said, he should not have expected at the beginning of the Session to have heard such a statement as had now proceeded from the right hon. Gentleman the Chancellor of the Exchequer. He talked of the danger of extending slavery by the adoption of his (Mr. *Ewart's*) proposal. Yet had not her Majesty's Government been endeavouring themselves to negotiate a treaty with Brazil? and that having failed, the Members of that Government had now had the assurance (for he could not use a more qualified term), to come down and talk against the admission of the slave-grown produce of Brazil. The right hon. Gentleman admitted, that the existing duty was to be only for a limited time. The right hon. Gentleman himself, therefore, contemplated that within a "limited time," there must be an admission of slave-grown sugar. The right hon. Gentleman's next argument said, that the consumption of sugar had not diminished. The people of this country would not be satisfied with that statement, even if it were proved; for the people of this country did not complain that they had less sugar than their ancestors, but simply that they had "not enough sugar." It was not in the power of the right hon. Gentleman to satisfy the country by these petty apologies when they required substantial good. That substantial good was to extend the commerce of the country, and to facilitate the subsistence of the people. His amendment attacked the principle of differential duties altogether. That he held to be the sound doctrine, and on that the right hon. Gentleman had not condescended to dwell. By his (Mr. *Ewart's*) proposition, he would admit the sugar of foreign countries, whether free or slave produce, at the same amount of duty as they laid on colonial sugar, and he was disappointed that on this subject her Majesty's Government had no proposition to lay before Parliament. During the last year, the right hon. Baronet had made a solemn annunciation of the principles of free-trade, "To sell in the dearest, and buy in the cheapest market," was the text he then adopted, but this year there was no practical commentary on that text. He (Mr. *Ewart*) felt, in the first place, that he was justified in saying that the reduction of the duty on foreign sugar would produce a large amount of revenue; and in the next, that

the demand would increase with the increase of population. Sugar was more and more entering, not only into the consumption of the people, but even more and more becoming an article of manufacture. The consumption of sugar for the homely, but useful purpose of preserving fruit, had a constant tendency to increase; and sugar to extend more and more largely every year into use for the curing of meat. But the sugar duties, presented a moral as well as commercial object for the consideration of the legislation of the country. The changed and more temperate habits of the people of England as well as of Ireland, led them to use more sugar; the Government, however, did not assist the people in these good movements, and they were left to advance, unassisted in the cause of temperance and of virtue. The right hon. Gentleman had referred to recent proofs of undiminished consumption. It was not, however, over a limited period that the right hon. Gentleman should extend his view. He ought to have shewn that the consumption had kept pace with the population. He would ask the right hon. Gentleman whether, since 1831, the consumption had increased in that proportion? As the right hon. Baronet (Sir R. Peel) eloquently said on one occasion, he "paused for a reply." The right hon. Gentleman was silent. He (Mr. *Ewart*) therefore would supply what the right hon. Gentleman had omitted, and offer a short retrospective view of the comparative supply of sugar, and of the increase of the population in 1831, the total amount of sugar and molasses imported was 245,900 tons, and that in 1841, it was only 212,000 tons. The supply, therefore, had considerably diminished during that time. The consumption had also decreased. In 1831, it was 215,200 tons, in the next two years it was less; it was larger in 1835, which was known to have been a good year; it diminished in 1836; it slightly increased in 1837; it was smaller in 1838, still smaller in 1839, and in 1840 it fell to the minimum of 87,000 tons from 215,000 tons; in 1841, it was 210,000 tons; and it was even then less, therefore, than in 1831. During this time, the population had increased from 24,000,000 to 27,000,000. It might safely be said, therefore, that the consumption had not increased in proportion to the population. He contended, that even if they had given the people more sugar in 1831, they would have consumed it; and therefore if the right hon. Gentleman had

shown that he had given them more than in 1831, he would not have shown that he had given enough. The right hon. Gentleman should not content himself with giving an idle reference to figures in the years 1831 and 1841. He (Mr. Ewart) would now give the consumption to each individual of the population. In 1831, it was about 20 lbs. to each person, and it had gradually fallen, till in 1841, it was only between 17 and 18 lbs. to each. In 1840 the price was at its maximum, and the consumption fell to the lowest point in the consuming scale. If the right hon. Gentleman wished for a confirmation of his statement, he would only refer him to a publication just issued by an hon. Gentleman who formed a component part of the Board of Trade. There had been also a decrease in the refining. Formerly, 29,000 tons of West India sugar were refined for exportation; in 1840, that quantity had fallen to the small amount of 300 tons; and between that period and the present year, the quantity had become nothing. The evils of diminished supply fell most materially on the poorer part of the population. The Members of that House felt very little (if any) increase in price; but the poorer classes, in 1840, could not consume more than 6 lbs. or 7 lbs. a-head. The House ought to pay great attention to this, because it was the first duty of the Legislature to assist the voluntary efforts of the people at improvement. If the poor had proper facilities, they would cause a large consumption of molasses. The duty on foreign molasses was 23s. 9d. per cwt.; it was well known that molasses were produced during the refining of foreign sugar in bond, and the law provided that these molasses should be exported: whereas if they were allowed to be consumed here, the people would be materially benefitted. Mr. Moore, who had been summoned before the Import Duties committee by the hon. Member for Wolverhampton, had given very clear evidence upon the subject.

"What becomes of the molasses produced in refining foreign sugar in bond in this country?—They are exported.

"Are they admitted to be consumed in this country upon any duty whatever?—Not at all.

"What is the duty upon molasses imported into this country, the produce of British possessions?—Nine shillings a cwt.

"Are molasses admitted to be imported from any other country, and at what duty?—Twenty-three shillings and ninepence from Holland or Belgium.

"You may import molasses from the continent of Europe at 23s. 9d. a cwt., but you are prohibited from consuming in this country, even at that duty, the molasses produced by refining foreign sugar in bond in London and at Liverpool?—Yes, if the molasses were permitted to be consumed in this country, treble or quadruple the quantity of sugar would be refined in bond that they are able to refine now, because by allowing the molasses to be consumed here, they could dispose of them in this country, and now they do not know what to do with them; they are obliged to export them.

"The export is attended with considerable loss?—It is.

"In your opinion, would a greater supply of molasses be a relief to the poorer classes of people in this country, under the present high price of sugars?—Undoubtedly, it is an article of food of very great consumption, particularly in Lancashire and Yorkshire."

The poor suffered in another way. If sugar were not subject to such heavy duties it would enter largely into distillation and brewing. Hon. Members would recollect the inquiries of the committee, moved for by Mr. Warburton, then Member for Bridport, upon this point. The right hon. Gentleman dwelt much on the loss that he supposed would accrue to the revenue. Did he maintain that the reduction of the duties on foreign sugar to 30s. would involve a loss to the revenue? [*The Chancellor of the Exchequer*, "the reduction would be on colonial."] Then the right hon. Gentleman admitted that it would be of advantage to the revenue to reduce the duty on foreign sugar to 30s.; and indeed all the evidence convinced him that there would be a benefit to the revenue by a reduction to 24s. Mr. Porter showed that in 1840 the country lost 4,000,000*l.* by the maintenance of these duties; and the loss to the revenue, taken year by year during the last seven years, amounted very nearly to 10,000,000*l.* But what was the loss to the consumer, because that must be added to the loss to the revenue? The loss to the consumer had been nearly 15,000,000*l.*; or a total loss to the revenue and consumer, during seven years, of 25,000,000*l.* And to this they were to answer only that the people of France consumed less per head than the English. What had been done, in reference to the sugar duties, to promote the trade abroad? Had we made a treaty with Java or with Holland? He had no right to ask what terms had been offered to the Brazils, but it was notorious that the Brazilian trade was not opened. It was in evidence before



the import duties committee, that the principal article they took was our calico. The exports amounted to five millions, and the Brazils took those articles into which the greatest quantity of labour entered. The proportion of articles in which labour was most largely employed was ninety-two per cent., whilst the small labour articles, as they were called, was only seven per cent. The Brazils, therefore, were the most beneficial consumers, for they took the articles in the highest manufactured state, which gave the most profit, and furnished the largest employment to the labouring population of this country. He observed from late commercial information, that there had been a great increase in the quantity of manufactured cotton imported into the Brazils from the United States. Had hon. Members seen the speech of a Brazilian legislator, in which he said, that the English were the slaves of the landlords? So that the English could not wear their chains without their being seen by others. Great advantages would follow if we could obtain more imports. The reduction of the sugar duties would open to us the trade of the East. The great difficulty we should find in China would be to obtain returns for our goods. If the Government failed to reduce the duties on tea, fair grounds existed why they should take that step with regard to sugar. When this proposition had been hitherto made, they had been invariably met with the old and reiterated observation, that by the adoption of such a law, we should destroy our West Indian colonies. When, he asked, would those colonies be in such a state that we should not run that risk? They had been in a condition of the greatest instability so long, that he believed that if we were to put off the proposed change, until they were ready for it, the postponement must be for ever. But, for his own part, he did not think that our West Indian colonies would be destroyed by the granting of the boon to the people of this country which they demanded. We had already given them compensation to a large amount—we had given them emigration, and he now proposed that we should give them a third and most important advantage—that of competition. Until this was done their energies would never be fully developed, and he called upon the House to give to the people of this country at once that benefit which had been so long withheld from them. He maintained, that if they

called into operation all those superior advantages which our colonies possessed, they would be enabled to compete successfully with the slave and free labour sugar of foreign countries, and that those colonies would be revived and not destroyed. Then they were met with the argument that the adoption of this proposition would encourage slavery, and the right hon. Chancellor of the Exchequer had most unworthily taken refuge behind this argument. Slavery, he believed, would by such a course be extinguished; free labour had been proved to be cheaper, and he believed with Mr. Cropper, the late eminent merchant and philanthropist of Liverpool, that if this step had been taken long ago, the question would now have been settled. That the exportation of slaves from the coast of Africa would be increased, he also denied; and he was prepared to contend that a contrary result would be produced by the extension of our commerce with that quarter. He had no belief in the efficacy of restrictive laws and gun-boats. Commerce was the great Emancipator. Let them look at the changes which had taken place during the last few years. Formerly the produce of the African coast was confined to gold dust, and ivory in its rudest form, and beads and other useless and trifling articles were received in exchange. But the trade was now changed; palm oil was an article of extensive exportation, and the more useful of our manufactured articles were looked for in return. The ancient demand for extravagant trifles—or rather caricatures of commerce—cocked hats, leather breeches, and lawyers' wigs, which had so long existed, was giving way. An intelligent chief had recently suggested the introduction of the growth of coffee and cotton. In one recent instance within his knowledge, one of the African chiefs had had a horse and carriage sent to him, while to another had been transmitted the materials for erecting a house in the European style. But there was another point of view in which he called upon the House to take this step; by doing so they would make this country, as Mr. Huskisson had said, the great *dépôt* for the sugar as it ought (by our general policy) to be—for the commerce of the world. He called upon the House therefore at once not merely to make a small reduction in the duty, but to abandon the false principle of a differential duty—to do justice to their mercantile and manufacturing interests, and most of

all, to the interests of the whole consuming population. The hon. Member concluded by moving an amendment to effect the reduction of the duty on foreign sugar from 63*s.* to 24*s.* 6*d.*, proposing as a substitute for the existing duties the following scale of duties, on all sugar whatsoever, viz. on brown or Muscovado clayed sugar, not being refined the cwt. 1*l.* 4*s.*, on molasses the cwt. 9*s.*, refined sugar the cwt. 8*l.* 8*s.*, candy brown the cwt. 5*l.* 12*s.*, white 8*l.* 8*s.*

Mr. James believed, that the proposition of the hon. Member was one which the House could not entertain without stultifying itself in the eyes of the country, and of civilised Europe. After expending 20,000,000 of money in order to emancipate the slaves in our own colonies—after all the blood which has been spilled, and the vast sums of money which had been already expended, and were in the course of expenditure, with a view to put down the slave-trade—after all the efforts made by former Governments, and which, he presumed, would still be made by the Government for the abolition of slavery, and for inducing other countries to imitate our noble example, it appeared to him remarkable that any Gentleman should have come forward with such a proposition as that now made; and he thought it would be still more extraordinary if any distinguished Statesman in that House, or any man aspiring to the character of a Statesman, should support a measure like that which was proposed, and which was calculated to aggravate in a tenfold degree the cruelties and horrors to which our black fellow-creatures had been subjected. Then it was said that there was no reason why we should not encourage slave-grown sugar, when we encouraged the growth of other articles of the same character, by their consumption. There might exist very good reasons indeed why we should abstain from using all slave-grown produce, but he could not understand how the commission of one error could justify that of others. He contended that the question of the consumption of slave-grown sugars was one which should be deemed an exception to the general principles of free-trade, and he had the authority of the late Mr. Deacon Hume in his favour on this point. That gentleman said, in his evidence before the committee on import duties, in 1840,

“I cannot conceive, that having thirty years ago abolished the slave-trade, and now

abolished slavery itself, any question of free-trade can arise between Jamaica and Cuba. Cuba, with abundance of rich and fresh soil, not only having the advantage of employing slaves, whatever that may be, but notoriously importing the enormous amount of forty or fifty thousand every year—they have, in fact, the slave trade and slavery; and as the laws in this country have deprived the planter in Jamaica of that means of raising his produce, I conceive that it is a question like several others which are to be taken quite out of the category of free-trade.”

He was as ready as any man to admit that the people of England should have a plentiful supply of cheap sugar, but contended that the only just mode of providing it, was by the introduction into our own colonies, of free labour from Africa or elsewhere; he could state to the House that those already imported into Jamaica were doing extremely well, but there was as yet a very inadequate supply of them, and the want of labour was such, that the cost of cultivation in that island far exceeded the value of the produce when sold in this country. He would state to the House the result of his own case. He was possessed of a plantation of about 1,000 acres of fertile land—one of those valuable monopolies about which so much was said, and which had for many years past produced a net return of 3,000*l.* per annum. In the last year the cost of cultivation of this estate had been 3,191*l.* 4*s.* 2½*d.*; the produce of the sales had been 2,530*l.* 8*s.* 1*d.*, leaving an absolute loss of 660*l.* 16*s.* 1½*d.*, and he feared that his return was not very likely to be any better in the present year. He would, with the permission of the House, read a part of a letter from Mr. Alexander Barclay, a gentleman who had imported a number of free labourers from Africa to Jamaica. He said:—

“As a Jamaica proprietor, you will be glad to hear of my success at Sierra Leone. It will be further satisfactory to you to be assured that the Africans brought over, and mostly located in this vicinity, are doing remarkably well, I may say, indeed, every thing that could be wished or expected of them, working well, easily managed, quite healthy, and delighted with the change from sterile Sierra Leone, to fertile Jamaica. It is to Africa we must look for an increase of people the best suited for our climate, and who will feel at once at home among their own race. The commencement made in this is cheering, from its success in every point of view, and I do hope it will have from Government that countenance which it so well merits, viewed as a



measure eminently calculated to promote the best interests of Africa and its people, as well as to benefit the colony."

The hon. Member for Dumfries looked for an extension of our commerce, even though it were with slave-growing countries. For his own part he said, only let the West-Indian planters have fair play, furnish them with sufficient free labour from Africa, and there would be an ample supply of cheap sugar, without removing or altering the present prohibitory duties on slave-grown produce, and thus encouraging that system of cruelty, oppression, and horror, which the moral sense of the people of this country had determined to abolish.

Mr. Brotherton could not let this occasion pass without protesting against depriving the poor of their comforts. Keeping up the differential duties he thought by no means calculated to abolish slavery. To slavery he had been all his life opposed, and would be very unwilling to support any plan calculated to encourage slavery, but, notwithstanding the arguments of the hon. Member who spoke last, he must state his opinion that these differential duties ought to be removed. The hon. Member for Stockport had explained what were the expenses of the colonies. Why should the country give the colonies, in addition to all these, the means of keeping up prices? Having attended to the subject a good deal, he would mention a few facts relating to this enormous monopoly. What was the state of the importation of sugar? In the years 1830, 1831, 1832, he quantity was 12,825,323 cwt.; in 1840, 1841, 1842, the quantity was only 11,849,499 cwt. Notwithstanding, therefore, the intermediate increase of population, the consumption was 1,000,000 cwt. less in the last three years than in the three ending 1832. But what was the price? The price paid for the first quantity was 16,512,574*l.*; the price of the last and smaller quantity was 24,439,590*l.* Thus for 1,000,000 cwt. less sugar the people were made to pay upwards of 8,000,000*l.* sterling more price. Again, the duty on West-India sugar was 24*s.* a cwt., on foreign 63*s.* a cwt. The consequence was, that on two samples of sugar of the same quality, West Indian and foreign, the West Indian proprietor got, on an average, 20*s.* more on our exchange than the foreigners. Hence he calculated that we paid on the

average 4,000,000*l.* sterling a year to the West Indians more than we ought to do. Could any man, with a sense of justice, support that system? See how it operated to diminish the comforts of the people. In the years 1830, 1831, 1832, the average consumption of sugar per head throughout England was 19½*lb.*; in 1840, 1841, 1842, the average consumption was 16½*lb.* Thus they saw how injurious the system was. The consumption was diminished, not only by limiting the quantity introduced into the country, but by increasing the price. The country had paid 20,000,000*l.* for the emancipation of the negroes, and he calculated that since then they had paid upwards of 25,000,000*l.* to the West Indians on the score of their monopoly. This was the enormous injustice he complained of. To keep up the price of sugar they did that which was injurious to the whole community. Many of the poorer classes were deprived of that which was a necessary of life. Look at the change of habits among the people; instead of adopting intoxicating drinks, they had taken to coffee and tea. In 1831 the coffee consumed was 21,000,000*lb.*; in 1842 it was 31,000,000*lbs.* With that increase in the consumption of coffee, they ought to have had a corresponding increase in the consumption of sugar; but the consumption of sugar per head had decreased. See, then, what oppression the high price of sugar wrought on a large proportion of the population. It was well known that in many parts of the country the cottagers paid their rent from the produce of their gardens. But if there was no sugar, the richer classes were deprived of the means of preserving fruits, and would not buy them, and the poor were consequently ousted of this means of making up their rents. With regard to slavery, as he had said, he did not believe that the abolition of the differential duties would encourage slavery. They must endeavour to put down slavery by means of moral influence.

Strangers were excluded for a division, which, however, did not take place.

On being re-admitted to the House—

Mr. Villiers complained of the manner in which the motion of the hon. Member for Dumfries was treated. He would not suffer it to be concluded in that way. Neither he nor his friends had risen, after three persons had spoken on their side, from not believing it possible that the

Ministers intended to treat a question so important and so interesting to the people at large with so much contempt. He never remembered seeing a Member or a motion so treated. It was insulting to every body who complained of this mischievous monopoly. The Chancellor of the Exchequer directed his attention to the motion of the Member for Lambeth, and seemed to think his Friend, the Member for Dumfries, unworthy of a word. The reason was obvious. The one was a motion which would be of real advantage to the people, and was therefore to be despised, the other was what the right hon. Gentleman described it, of no real service to the consumer, and therefore it was deemed worthy of respect; if that was its character, he wondered how his hon. Friend, representing such a constituency as he did, and formerly so liberal, could propose it. He presumed he did so in despair; and fearing that this motion would be rejected, he proposed what was next best. But after the able speech of his hon. Friend the Member for Stockport on the general policy of favouring colonial interests, at the expense of the community, and the application of those views to the subject of sugar by his hon. Friend the Member for Dumfries, why was no answer offered which might attempt to satisfy the public? His hon. Friend spoke on behalf of the community, and desired to learn why this country was to be taxed by a few proprietors without the plea used for monopoly at home, and no answer was given probably because no answer could be given. The only allusion to the subject by the right hon. Gentleman was in what he said, with reference to protection. He said they had decided to retain the general system of protection last year, and it was, therefore, right that it should be retained in the colonies, which meant that because we did evil last year, therefore we will persevere this year. The right hon. Gentleman did not seem to think it necessary to care what he said, or, considering the purpose of this motion, he would not have said, that in the present state of the revenue no sane man would think of dealing with the sugar duties. Why, the revenue was one of the striking features of the case against the differential duties. These duties occasioned a waste of income which nobody disputed. He never heard it denied or questioned, that to reduce these differential duties was a means of instantly increasing the revenue. Why, the right hon. Baronet had in his hearing, in that House, said that he had no doubt

that a very large sum might be brought into the Treasury, if the duties on foreign sugar were reduced. Why, how could it be otherwise? What was it both sides agreed upon? Why, that foreign sugar is much lower in price in bond than plantation sugar; that if the differential duty was lowered, more sugar would be imported, because the price being lower more would be consumed; then it is obvious that the same duty collected upon a large quantity must yield a large revenue; let any body who wanted to know how much the consumer lost in quantity, consider what quantity of foreign sugar might be purchased with the sum paid for colonial sugar. And yet it was for thus endeavouring to increase the revenue and improve the condition of the consumer, that the mover was treated with contempt by the Government, and by the liberal Members connected with monopoly as stultifying himself. He really, at first, was astonished to hear the lecture of the hon. Member for Cumberland, denying to any man common reason who supported such a motion; but before the hon. Member finished he produced a document, that made his anger intelligible, for it was the particulars of his own Jamaica estate, by which it appeared that it was not in the most flourishing condition, because it had not recovered the loss of those glorious times, when it yielded 3,000*l.* a-year, the result of that hideous system of slavery which the hon. Member had the assurance of charging his hon. Friend with wishing to perpetuate. He should never have alluded to the hon. Member's affairs, had he not brought them before the House. But really, when the hon. Member referred to days past, when this estate was so profitable, he could not help suspecting that the hon. Member was amongst those who were not allowed to suffer for the humanity of this country, but who received ample compensation for relinquishing his right to keep his fellow man in bonds. He had been hardly used if he had not touched a large slice of 20,000,000*l.* given by this country, not upon proof but upon the chance of loss by the proprietors from the change. It was surely hard, then, for the depressed and suffering people of this country to be told they were stultifying themselves when they said they had paid enough, and that they did not deem themselves bound to pay annually so many millions more to guard the properties of Jamaica from loss. He doubted much whether, the loss they sustained by the change from the slavery to the free-



dom of their labourers, entitled them to a sixpence. He believed the change was an advantage to them; and when they were told that there was some experiment making that they must not expose to hazard, he must contend that the experiment had been made, and found to answer, which was no other than whether the people of the negro race in the British West Indies would work for wages, whether they had any taste or aspiration for the comforts of civilised life, or whether they would wander on the waste land, living savagely, and toiling simply for food easily acquired. That was the experiment, and it had been made, and it was the universal testimony—in fact, it was never denied—that freedom sat upon a black man as it did upon a white one, and that he was operated upon precisely by the same circumstances. Where the proportion of his number was small as regarded the capital and the most fertile land, he exacted higher wages, which was to a certain extent the case in Jamaica and Trinidad. Where the proportion was the other way, as in Barbadoes and Antigua, there labour was cheap, and the black man laboured hard for his living. But whoever thought of legislating with reference to the economical condition of these particular islands, and calling it a great experiment? There was no reluctance or incapacity on the part of the black man to work, as was abundantly testified by Mr. Gurney and others who have visited the West Indies since the emancipation. Mr. Gurney says that the negro, even in Jamaica, will do about three-fourths of the labour of a good Norfolk labourer paid in wages; and if kindly treated, will do as much as any English labourer, while others say that free labour is more productive and a greater number of the working population are actually operatives than under the slave system. So that it comes to protecting the proprietor in a monopoly after all, and he begged to say that favouring a few families in a colony was not the same thing as benefitting the colony, any more than it is in the mother country. He saw abundant sympathy with the proprietor, but mighty little with the great majority who were the working classes, who were our fellow subjects, and as much entitled to our regard as any other class. For instance, one plan adopted is to make the people here pay double for their sugar for fear of lessening the incomes of the proprietors, but another plan adopted is to introduce foreign labour into the colo-

nies to bring down the wages of the free labourers, because, forsooth, they are too high. He would not go into the question how far this was necessary for sugar cultivation, but it marked the very different feeling for the proprietor and the labourer: and, indeed, he could hardly speak with temper of the pretence put forth on another ground, by men, too, who always resisted emancipation, namely, that they are alarmed lest the import of slave produce in this country might tend to encourage slavery elsewhere. He did verily believe that, under the circumstances in which this was said, it did more to deprive us of all influence with other States in suppressing slavery than anything else—more to tarnish the glory and credit of the great measure of freedom—more to impress men with our insincerity in the cause, from beginning to end, than any one other thing. They viewed us from a distance, and they saw the inconsistency of our conduct in all its nakedness. They saw us importing every other article the produce of slave labour—they saw us stipulating for the reduction of duties on goods exported to slave countries, which could only be paid for in slave produce—they saw us courting the alliance of slave states—they saw us importing this very excepted article of sugar into our warehouses, manufacturing it, feeding our colonies with it, trading with it in other countries, in short, doing everything with it but allowing the unfortunate working people of this country to use it; and then they saw us with pious face, lament the necessity of maintaining a differential duty, in order to prevent slavery in foreign countries. No wonder that other people called us hypocrites. Why, throughout the United States it is believed, that a sort of missionary of that government came here last year, and had an interview with some of the leading Ministers of the Cabinet, and it was intimated to him that, on such articles as tobacco, rice, and maize, it would be possible and desirable to reduce the duties here; in short, upon everything but that which was the produce of free labour, namely, wheat; for those other articles were the fruit of slave labour, and yet we imported them, and this Government were ready to reduce the duties on them. He really hoped, if any of the Ministers could be induced to speak, that they would seriously say, whether they intended to rely on this pretext of slavery any more; for the Chancellor of the Exchequer spoke so carelessly on the matter, he could hardly be considered

an organ of the Government. Would any Minister dare say to-morrow, if slavery was abolished in Cuba and Brazil, that the differential duties would cease? No! they would not dare, for fear of offending their monopolist supporters. It was protection, it was favouritism, that was the purpose of this law, and it would endure as long as the people would allow it. This, they think, no doubt, will be for ever; but let them take heed how long they persevere in disregarding and despising every claim which the people put forth to this House. Every measure based on general good, when conflicting with monopoly, is treated with contempt, and scornfully rejected. But let them not mistake the quietude of the people. He was not sure that these things were not treasured up, and that they might not hear of them when it would be least convenient. He saw nothing in the world at present that should make them independent of the goodwill and opinion of the masses of the people here. They might have to call upon them again, as they had done before, and they might have to answer, for they would be asked, what the people were to sacrifice their blood and their treasure for? And if they could only tell them of Corn-laws, and Sugar-laws, and other monopolies, they would find some difficulty in inducing them to rally round their institutions as they had done before. He observed that the Member for Cork, in his late address to the people of Ireland, in pointing to some of the advantages of governing themselves, alluded to the monopolies to favour a few proprietors that existed on the produce of the tropics. He said they could have tea, and coffee, and sugar within their reach, and they would have no duties to favour a class. Let the House remember that the people, if they are spurned and despised in this House, may be compelled to obtain justice in a way not more convenient than is resorted to in Ireland. He trusted sincerely that timely consideration would be given to their just claims; the motion to-night puts forth a grievance of which they had great reason to complain, and it ought to be treated surely with every respect. There should be shown some public or national ground why they are to be deprived of a comfort which you all enjoy and they all desire; of which, from the quantity imported, and the quantity consumed by the upper and middling class, must leave at least ten or eleven millions without. He had seen a calculation by which it appeared

that not more than ten millions did habitually consume sugar. Why should this be? The people were ready to work to obtain it. Why did the Legislature prevent them? The more they consumed, the more revenue would be obtained. Why then was this national evil to be inflicted on them? Not only did it subject the people to the privation of the article, but it deprived many of the business who would be engaged in the trade; while by maintaining the price high, the fund for maintaining labour was diminished. In every way it was injurious to the community. Surely the government of the country would think it decent to assign some excuse for its continuance. Believing that the proposition of his hon. Friend was not only wise, just, and humane, but also well-timed, he should give it his cordial support.

Mr. James in explanation, said, that it was very far from his intention to show anything like angry feeling in debating this question. As for the ample compensation which his hon. Friend said that no doubt he received for the slaves on his property, he would only say, that although twenty millions was a very large sum, yet, when it came to be divided and apportioned, it afforded very inadequate compensation. The amount paid for each slave might be very good in Demerara, but this was not the case with regard to Jamaica. He had received 4,700*l.* or 19*l.* a-head for the negroes on his property. This was about two years value of the produce of his estate. Now in Demerara, he believed the compensation paid for each slave was 34*l.* Since the emancipation his estate had produced no income; how, then, he could be said to have received ample compensation, he was quite at a loss to conceive.

Mr. Ward said, that the only parties that seemed to be left out of consideration or neglected by the right hon. the Chancellor of the Exchequer, was the great body of the consumers of sugar, who were not represented in that House. No one could deny, that they were in a state of the greatest distress, and they were not in a condition to pay twice as much as as they ought for such a necessary of life as sugar. He rose, however, not with the intention of detaining the House, but merely to say one or two words in reply to what he must consider the strange views expressed with regard to another



subject by the hon Member for Stockport. His hon. Friend said, that he and his hon. and learned Friend the Member for Liskeard stood as godfathers for a newly-invented system of colonization, which he also intimated it would be necessary to maintain by means of some exclusive privileges. Now he distinctly denied, that the system of colonization which he supported would entail any monopoly or protection on the mother country; the adoption of any such principle had nothing to do with the system of colonization and emigration, which would support itself. He firmly believed, that, if that system of emigration had been fairly carried out in Australia, that it would have supported itself. It was thought necessary, however, by the Government, to provide for a small body of men at the expence of the whole of the emigrants; and he agreed, that, if such proceedings were to be allowed, it must end in preventing the success of the undertaking. He was far from approving of all that had taken place in South Australia and New Zealand; on the contrary, he believed that the proceedings of the governors of those colonies had been attended with great mischief. The proceedings of Captain Hobson in New Zealand were of the most singular nature; he formed a large staff and establishment of police to prevent smuggling, and resorted to other measures which were necessarily entailed with enormous expence, and this country was now paying 60,000*l.* a year for such extravagances and which could not at present produce any return to this country. He believed, that if colonies were properly managed that they not only would not be attended with great expence, nor with the excuse that it was necessary to maintain certain monopolies or protective duties on their account, but that they would be productive of the greatest advantages to this country. Indeed the advantages of colonies were virtually admitted by the hon. Member for Stockport, who in the course of his anti-corn-law crusade was in the habit of dwelling on the great advantages that would result from the establishment of a free trade with the United States, which he must be fully aware had grown up to their present state of importance, after being established as British colonies. He should vote for the motion of his honourable Friend, and on the failure of that he should vote for the motion of

his honourable Friend the Member for Lambeth.

Mr. Bernal could not help feeling that the proceedings of that debate were of rather a singular character, for it partook very much of a discussion *de omnibus rebus et quibusdam aliis*, for all sorts of topics had been introduced into it. The hon. Member who opened the discussion, proposed that all differential duties should be got rid of as regarded sugar; and the Chancellor of the Exchequer replied, not to this, but to a proposition which was hereafter to be made by the hon. Member for Lambeth. Now, looking to the scanty attendance in the House, it was clear that the great body of Members felt but little interest in the discussion of this question. It might be thought very unwise on his part to enter into the discussion of the subject; and he was in hopes that this would have been rendered unnecessary by some right hon. Member opposite rising to address the House; but after some allusions that had been made to our colonies, he felt called upon to make a few observations. He thought that there had been something that was like a provocation or challenge to the Government, in the audible whispers that had been heard, that although the Government did not intend to do anything with respect to a change in the differential duties during the present year, yet they should see what would take place in 1844 or 1845, when the commercial treaty with the Brazils would come to a termination, and when it would be necessary to enter upon a new one. He thought that such constant repetition of these rumours would have made the Government less loth to enter into some further explanation. He confessed that he was sorry to have heard the observations, and to have been a witness to the tone and temper of the speech of his hon. Friend the Member for Wolverhampton. No doubt the hon. Member was induced to regard it as a matter of provocation that no answer had been given by any Members of the Government to the arguments that had been urged in support of this proposition. He must say, however, that although the arguments of his hon. Friend were on most occasions well founded, he could not help feeling that many which had been used by his hon. Friend to-night were not only not well founded, but were mere assumptions. Indeed, he doubted whether his hon. Friend was not

so much occupied by other pursuits, that he had not had time to inquire into the whole case, and had, therefore, fallen into several inconsistencies and mistakes. Among other things, his hon. Friend had said that so far from the negro population being unwilling to work, that it was found by experience that a black labourer in Jamaica would do nearly as much work in a day as a Norfolk agricultural labourer; but almost immediately afterwards he observed that the population of Jamaica was not sufficiently dense to afford a due supply of labour. Now, this was altogether inconsistent. But could the hon. Gentleman make out the case that the labourers that were in that colony worked to the fullest extent? The argument of his hon. Friend, and those who adopted the same views as himself, was, that the chief thing to look to was that all that was requisite for the maintenance of life should be obtained as cheaply as possible, and he therefore contended that we should get sugar for our consumption from those places where it was produced at the cheapest rate. The hon. Gentleman then came forward with what he considered a thundering knock down argument, namely, that the English colonists had received compensation for their slaves. If the hon. Gentleman would regard the matter with the impartiality of the statesman, instead of the zeal of the partizan, he would see that this doctrine of compensation was all delusion. If the hon. Member examined the matter fully, he would find that those persons who invested their property in the West-Indian colonies, on the faith of the Government, did not receive one-tenth for the produce of their estates, as compared with what they obtained previous to emancipation. Under such circumstances, it was a monstrous absurdity to say, that, considering the amount paid, the colonists received anything approaching to an equivalent. No doubt the grant of twenty millions in the circumstances of the country, with the enormous debt which was pressing so heavily on it, was a great sacrifice to make for the obtainment of a benevolent object; but to speak of this sum being anything like a compensation for the property affected by the measure, speaking equitably and legally, he denied that it was anything of the kind. He did not wish to enter at length into the history of the question of slavery and its abolition. It must, however, be well known to those

who had paid any attention to the subject, that years ago, when Mr. Wilberforce, and those who acted with him, first took up the subject, they confined themselves entirely to endeavouring to mitigate the horrors of the slave trade, and they constantly declared, that all that they had in view was to obtain the abolition of the slave trade, and that they had no wish whatever to interfere with the state of labour in the colonies. This declaration was repeatedly made by Mr. Wilberforce and his friends. Some years afterwards their sphere of action became extended, and they declared that their object was not merely confined to putting down the enormities of the slave trade, but that they wished to destroy the existence of slavery itself in our colonies. At length, in the time of the late Government, the Legislature determined that servitude itself should cease, and there was made what had been called compensation, though, as compensation, the sums received were mere delusion and absurdity. If he had had influence with the West-Indian body, he should have endeavoured to induce them to refuse the proffered compensation altogether, for he foresaw at the time, and predicted that before any very long period had elapsed, the so-called compensation would be made use of against the West-Indian proprietors on every occasion. Now, he would ask, would a sum of ten thousand or eleven thousand pounds reimburse a man who was in receipt of an income of seven or eight thousand a year. He trusted the House would believe him when he stated on his own knowledge that there were many West India proprietors who possessed property of from 4,000*l.* to 8,000*l.* or 9,000*l.* a year, who within a few years back had been deprived of every shilling of their incomes. It was said, that the West-India planters had enjoyed a monopoly. He knew very well how easy it was to use language of that kind in a popular assembly, and he knew the effect such language was calculated to produce. His hon. Friend talked of the repeal of the Corn-laws, and put the repeal of the sugar duties on the same ground; but he (Mr. Bernal) denied that the West Indian planter stood on the same footing as the landed proprietor. The landed proprietor had not the same competition to contend against, and he was differently circumstanced with respect to labour. In most of the districts,



in the West Indies the agricultural peasant had no occasion for the supply of his wants, to labour more than three or four days in the week, for in a tropical country the wants of the peasant were few. Now, he contended that the peasant in the West Indies was better off than the peasant in this country, for would any hon. Member tell him that there was any county in England where the agricultural labourer was so circumstanced as that he could determine to work only a certain number of days in the week and no more. Again, the length of a day's labour in the West Indies was nine hours, and anything beyond that was considered extra, and even that day's labour was not always given with that completeness which would be expected and exacted from an English labourer. He would now come to the question of the reduction of the duty. The existing duty on Muscovado sugar was 25s. 3d.; but supposing the duty was 28s. per cwt., that would bring it within a fraction of 3d. per lb.; so that they must always start with this charge of 3d. per lb. Now the price of Brazilian sugar ranged from 20s. to 23s. per cwt., and he believed that Cuba was lower, and was from 18s. to 20s. per cwt. Now supposing that they introduced sugar at this low price, and at a low rate of duty, that they would be able to maintain a low price for sugar, other sugar-growing countries would send in their sugar. For the first year or so they would have a reduction in the price of sugar, but year after year, as the demand increased, the price of sugar would rise. The price of Muscovado sugar at present, with the duty paid, was about 61s. per cwt., or little more than from 6d. to 7d. per lb., of which 3d. per lb. was collected by the Government as duty. Now, did they think that they would be able to get sugar down to 4d. per lb.? He thought the notion preposterous. He now came to the argument that was urged against the West-India planters that they did not use machinery or attempt to diminish expense by the adoption of improvements. Now, he could undertake to say that for years back they had introduced steam engines, ploughs, and harrows of an improved description, small railways with cars to run on them, and he believed that there were few improvements suited to that colony which they had not adopted. He knew that in many parts of the island of Jamaica they had ploughing matches, and

prizes were offered for the best agricultural productions. The hon. Member for Stockport had said that our colonies were of no use to the country—that they were an incubus. But he must remind the hon. Member that the question should be viewed as one great whole, and that these colonies must be considered as part of a great empire. Could it be denied that Great Britain flourished by her colonial acquisitions, and acquired commercial prosperity by her colonial connections? In a state of peace with the continental nations, the importance of these colonies might not be so greatly felt by some hon. Members; but if our friendly relations with the continent were interrupted, we should then feel the vast national utility and importance of our colonial connections. The hon. Member had alluded to the vast increase of our commerce that would be produced by an increase of our commerce in the Havannah and Brazil, and other countries, from which foreign sugar might be admitted. But he need not remind the House of the failure of similar expectations in former years, when, in consequence of calculations of a profitable return, vast quantities of the manufactured goods of this country were exported, and an excess of speculation was indulged in, which in most instances ended in the ruin of the speculators. The West-India planters had been called the aristocracy of the sugar hogsheads. Now, he (Mr. Bernal) would never be ashamed to avow that he was a West-India planter, and one of the aristocracy of the sugar hogsheads, and he was sorry to be obliged to add, one of an aristocracy, which soon must be considered a beggarly aristocracy. He was sorry to be obliged to say this, but he was compelled to do so when he saw himself and others declining from a state of prosperity which they had a few years ago enjoyed, and when he saw that, with all their personal knowledge—with all their personal experience—and with all the industry they could exercise, the West-India planters saw themselves on the verge of a gulf from which they saw no means of extricating themselves. They abolished the tenure which prevailed in Jamaica, when they converted the slave into a freeman. He did not reproach the noble Lord opposite, for the measure by which slavery was abolished, and he rejoiced that slavery had been put an end to, but what he complained of was, that

due care had not been taken and due precautions used to provide for the state of things that must arise from the carrying into effect of that measure in the West-Indies. Even at the present moment, when a proposition was made to procure fresh labour from the west coast of Africa, an outcry was raised against it, and it was declared to be a plan for the renewal of all the abominations of slavery under a plausible name. The West-Indies wanted labour and capital. Would they reduce the land to a state of barbarism and desolation? Many proprietors had been for some years going on cultivating, from a commendable spirit of pride, down to the expenditure of their last shilling. He (Mr. Bernal) had himself been cultivating for the last four or five years without getting a shilling return. He would say nothing of interest on his capital, but within that period he had actually lost 4,000*l.* or 5,000*l.* This was on estates that owed no debt, and he was at no particular expense any way. If this was the case with him, whose position was so facile for cultivation, what would become of those who were burthened with debts and other disadvantages if protection were removed? (The smaller properties would first go out of cultivation, and the larger ones would follow. If our West-India colonies were placed on the same footing with the planters of Java and the Havannah, it might precipitate the crisis which his hon. Friend seemed anxious to bring about, but a contingency would follow this. Could they depend on foreign countries to fill up the vacuum that would be created by the abandonment of the colonies? and would such a step bring them Muscovado sugar at 4*d.* a pound as promised by those who advocated the removal of protection? With respect to their manufacturing interest, was it likely that their manufactures would be taken by these foreign countries to such an extent as to make up for the inability of the West Indies to purchase? His hon. Friend said, they ought to have a feeling, not for the proprietary, but for the working people of the West-Indies. Now, he would ask his hon. Friend where were there working men in Devonshire, or in any part of this country, who could ride his pony, drink his bottled porter, and purchase muslins for his wife, by working three or four days a week? He was not saying, that the West-India labourers were too well paid,

nor was he saying their wages ought to be lower. But he did say, that owners of properties ought to be allowed to obtain labourers that would cultivate the land, and do a fair day's work. In a pamphlet lately published, it was stated that a sum of 40,000*l.* or 50,000*l.* had been raised amongst these labourers to build chapels, connected with the Baptist form of worship. Could any such thing take place in England? That showed what was the condition of the labourers of Jamaica, and he sincerely wished that the agricultural population of England was as well off. He asked, then, whether his hon. Friends would risk the happiness of these labourers, expose the colonies to certain immediate losses, and run the risk of a great contingent danger for the sake of lowering the price of sugar to 5*d.* or 6*d.* per lb. ? His hon. Friend asked him how long he expected the present protecting duties to be continued. The Government must answer that question. He would say, however, that it must be continued so long as the West-India colonies continued in their present state of destitution and suffering. Suppose that labour could be freely supplied—suppose that capital could be made to flow into the islands—though he did not ask the Government to send labourers or to lend capital; and suppose that the West-Indies were relieved from some of the disadvantages under which they now laboured—for he must remind the House that no particle of sugar could be used in our distilleries or breweries—they might, perhaps, reduce the differential duties. His hon. Friend said, that the corn growers kept the sugar out of the distilleries for their advantage; and if their turn was served, they would let the West-Indian go to the wall. Whatever might be the cause, he looked at the effect, and so long as that continued, so long the West-Indians had not fair play, and were sufferers from our legislation. Why should they not be allowed to help themselves? They were not allowed, and were denied the labourers they required. They were denied the privilege of importing labourers from the west coast of Africa by the friends of the abolition of slavery. So long as they were kept in that situation, and were not allowed to use their own exertions; so long as they were not placed on a fair footing with the rest of the subjects of the empire, so long would they require protection; and if the protecting duties were



withdrawn, it would prove their destruction.

Dr. *Bowring* admitted that his hon. Friend who had just sat down, had made an ingenious speech, as the representative of the West-India interest, and by that interest it had been properly cheered; but his hon. Friend's observations were wholly beside the question before the House. That was—by what right did the House prevent the people from obtaining sugar on the cheapest terms? Why were they not allowed to go to the cheapest market, why were they not in the purchase of one of the most important and necessary articles of consumption, permitted to apply the principles which the right hon. Baronet at the head of the Government had advocated? Why was this to be an exception to that general and beneficial rule? This country had paid the West-Indian proprietors 20,000,000*l.* for the abolition of slavery, and it had since paid many millions for the continuance of their monopoly. Why did the House, after having granted that compensation, continue to levy a sum for the advantage of the West-Indian proprietors, on the labourers of this country in the price of their sugar? Why should they pay an increased price for their sugar? The reason was, that the tax was levied by a class which used the power of legislating to obtain privileges, and they made the labouring classes pay. The tax on sugar was imposed by the same lips—advocated with the same arguments—carried on with the same objects—and producing the same evil effects, as the tax on corn; and if the proposition of his hon. Friend were rejected, it would be by the same interest which had rejected other propositions to relieve the consumer. It was said by the West Indians, when it was proposed to abolish slavery, give us as a compensation 20,000,000*l.* and we shall not fear the competition of either free or slave labour. They had the compensation, and why did they not now struggle honestly and meet that competition fairly? It was admitted by his hon. Friend that the competition would raise the price of foreign sugar; well, then, would not that remove one of the weightiest arguments against its introduction—the argument that its low price would be ruinous to the colonial produce? It showed that the foreign sugars would come here under less advantages than they at present offer while excluded from the British consumer. The West Indies had

a great advantage in their situation, they were comparatively near to England, and the freight of their sugar was much less than the freight from Manilla, and from most of the rival sugar-producing countries. His hon. Friend had alluded to the impediments thrown in the way of the West-India islands, but he must remind his hon. Friend that they were not the work of the free-traders, and the free-traders would willingly aid his hon. Friend in removing them. The free-traders were anxious to extend their principles to all our colonies, to all governments, and to all communities; and they only wanted the power, while they believed that from the universal recognition of those principles, there was nothing to fear. The enormous taxation on food and the enormous taxation on sugar would not take place were the interest of the consumers not unrepresented. Every sinister interest had advocates in that House, and his hon. Friend was one of a privileged few. His hon. Friend said, that the distress amongst our labourers was great, and that the weavers of Bolton would be delighted to exchange situations with the negroes. That proved that the changes which had been effected in the West Indies had done good to the people; great advantages had flowed from their emancipation, and why should not the people of England be emancipated too? But the Legislature did nothing for the people of England, it attended only to the interests of the few and neglected the many. The country was now in consequence filled with commotion and discontent. He confessed he did not entertain any hope that they would obtain redress, but he should support his hon. Friend's motion by his vote.

Mr. *Scarlett* said, that both sugar and rum paid heavy taxes to the State. Suppose they were divided into fifteen parts, thirteen of them were taken by the Government. The West Indies had contributed largely to the resources of this country through a long series of years. At the same time the mother country had taxed all the foreign produce entering the colonies. The colonies were taxed for the advantage of the trade of the mother country. He believed, that no country ever taxed its colonies so highly, and the colonies yielded between 4,000,000*l.* and 5,000,000*l.* It was said, that the consumer paid this tax, that he denied. If they were to take off the tax, the consumer would not benefit.

If the duty were taken off sugar to-morrow, the consumer would not buy it for one farthing a pound less. He agreed with the hon. Member for Weymouth, that if they were to destroy the West-India interest, by allowing the free importation of foreign sugar, they would not obtain sugar from the Brazils on the same terms as now. Our manufactures paid no duties on entering our colonies, and they formed a considerable outlet for our produce; and the decay of the West Indies was one cause of the want of employment in our manufacturing districts. He denied, that if we placed the Brazils on the same footing as our West-India colonies, that it would necessarily follow, that the Brazils would continue to supply us with sugar, and we might run the hazard of an export duty being levied on sugar there, when it was required here. Neither was it probable, that if we admitted the Brazilian sugar, the Brazils would admit our manufactures on the same terms as our colonies. When they considered the great interest involved in this question, and considered that a colonial trade which they could command was always better than a foreign trade, which was not under their control, he thought they would not consent to injure our own colonies by adopting the measure. He relied on her Majesty's Government to relieve the people of this country from taxation when it was in their power, and he recommended the House to leave the decision of this and similar questions to her Majesty's Government.

Mr. *Milner Gibson* said, his hon. Friend, the Member for Weymouth, had complained that sugar was not allowed to be used in our distilleries and breweries, and the hon. Member who had just sat down had complained of the heavy duties on rum; but both those effects were caused by those who wished to keep up the price of corn, and both the hon. Member and his hon. Friend must see that the West-India interest was sacrificed, as well as the people of England, to the landed proprietors; and though they continued to assist the landed proprietors, they were ready to exclaim against the evils of their situation. The power that prohibited the use of sugar in distilleries, and subjected rums to a heavy duty, was the same power which enacted the Corn-laws. The landed proprietors would not admit sugar into distilleries nor breweries, nor admit rum, because they would come into com-

petition with British spirits, or with the corn from which spirits were made. All the several monopolists so dove-tailed their arguments one with another in support of their separate monopolies, that they were likely to produce a great confusion. He must express his surprise, that no Member of her Majesty's Government had risen to answer the arguments of the hon. Member for Dumfries. Respect for the House and respect for his hon. Friend, should have made some Member of the Government state the reasons why it was necessary to continue these duties. His hon. Friend, the Member for Weymouth, had denied that the sum of 20,000,000*l.* had compensated the West-Indian proprietors. The House knew that evils and derangements would ensue from emancipation—it knew, and had calculated, that 20,000,000*l.* would be a compensation for those losses; and he conceived, that giving that 20,000,000*l.* was a bargain and contract, which left the Parliament at liberty to deal with the question of the duties on sugar as if nothing had happened to cause those pecuniary derangements. His hon. Friend said, that the 20,000,000*l.* was not, in fact, a compensation. Suppose he admitted, that it was no compensation; suppose he admitted that they required some further compensation, that was not admitting the proposition, that this compensation should be made by imposing a restriction on trade. This mode of compensation might cause a greater loss than its amount, and be, indeed, the most expensive to the people which could be devised. He asked his hon. Friend, the Member for Weymouth, when the time was likely to come, that the West-India proprietors would say that they were no longer impoverished, that the compensation was sufficient, and that the trade might be opened? That time, he was afraid, would never come, and the West Indian would never admit, that compensation had been sufficient. He, however, denied that it ever formed part of the proposition for emancipating the slaves that the produce of foreign countries was to be taxed, and trade impeded. The hon. Member for Horsham said, that those who brought forward a motion for the reduction of duties attacked the West-India proprietors; but it was not they who made the attack—it was the Gentlemen who proposed restrictions on trade. The right hon. Baronet



(Sir Robert Peel) said, that he had done away with prohibition, but he had continued prohibitory duties which was the same thing. What was the difference between an absolute prohibition, and such a high tax, that the article taxed could not be imported? It was those, then, who proposed these duties who made the attacks on the people, and interfered with manufacture and trade. In fact, the manufacturers say, that they might have a good trade with the Brazils, and you will not allow them to follow it; they saw it was a restriction not called for on account of the public revenue, and yet the Government which imposes these restrictions, now refuses to assign any reason for them. The Government showed no ground for the reduction, and every man had *a priori* right to free-trade; the principles of free-trade were, as the right hon. Baronet had said, the principles of common sense, and, therefore, it behoved those who impeded it, to show the reason for the restriction. The onus of proving its necessity lay on them. They were bound to satisfy the people, who suffered from it, that it could not be dispensed with; for the people would be glad that all the sugar duties should be suffered to expire. The hon. Member for Weymouth had asked, that the colonies should be released from the restriction on their trade. The President of the Board of Trade, he remembered, had brought forward a measure, which he believed was supported by all the free-traders, to reduce the duties on foreign productions from 20 and 15 per cent. to 7 per cent., when imported into the colonies. That reduction had not been opposed by the manufacturers, though, compared to the duties imposed on the raw materials here, and taking other things into consideration, it operated as a bonus to the foreign manufacturer to a considerable extent. It was admitted that the West Indies, under the protective system, were very much distressed, and that was, in his opinion, a good reason why that system should be given up, and a free-trade system tried. The hon. Member for Weymouth said, that the proposition of his hon. Friend, the Member for Dumfries, to equalise the duties, would precipitate the crisis which was inevitable. Some persons said, if an existing state of things were to be brought to a termination, that it was better to be at once put out of their misery, and if the

effect were inevitable, the sooner it was brought about the better, and the sooner we should have the advantage of competition, and the benefits of free-trade. The right hon. Gentleman had said, in answer to a question he had put to him, that Mr. Ellis, when he was sent to the Brazils, was empowered to make his offers to the Brazilian government, contingent on that government putting down slavery. That was a most odd proposition on which to found a treaty; for we proposed to Brazil to admit our manufactures, contingent on the abolition of slavery, which manufactures were made of materials the growth of slavery. Cotton was the produce of slave-labour. The right hon. Baronet then asked the Brazilian government to admit slave-grown produce at lower duties from this country, and at the same time asked it to put down slavery in the Brazils. Such a proceeding as this would make them appear in a most inconsistent position. It must be replied to them by the Brazilian minister, that the English had no hesitation in sending to Brazil slave-grown produce; and what hesitation, then, could England have to take slave-grown produce from Brazil? It was, he thought, very fortunate for the credit of this country, that their neighbours had not gone to that point, when Mr. Ellis should have to make such a proposal to the Brazilian government. They were all anxious that slavery should be put down, and all felt that this country was pledged in consistency to continue the exertions it hitherto had made, to put down the slave-trade and slavery. He asked them this question, How was slavery put down in the West-India colonies? How was that country induced to consent to the emancipation of the slaves belonging to the country? It was by the formation of a strong public opinion in this country, that the slave-trade and slavery were inhuman, immoral, and at variance with the law of God. It was the same system that put down slavery in the British dominions, that would also put down slavery in Brazil. If the same opinion were formed as to slavery there, it would be abolished there as well as it was here. But what had this to do with the putting of a high duty on British produce coming into this country? What would be the advantage of isolating themselves from Brazil? They had come to a certain opinion upon the slave-trade as regarded themselves. They

discountenanced slavery because of its immorality, and not from pecuniary considerations. And now isolating themselves from Brazil would be tantamount to their declaring that they could not trust free labour competing with slave labour, and it would, too, be preventing themselves from obtaining those advantages which otherwise they might possess.

Mr. *Grantley Berkeley* observed that the outlay upon a hogshead of West-India sugar was so great that there was no profit from it. There was loss upon every hogshead. The hon. Member for Stockport asked what prevented the colonies from maintaining themselves, and competing with foreigners. The colonies did not fear competition if they had a full share of free labour, but until that was given, let not protection be taken from them.

The committee divided on the question, that the words proposed to be left out stand part of the question:—Ayes 135; Noes 50: Majority 85.

*List of the AYES.*

Ackers, J.	Escott, B.
Acton, Col.	Fellowes, E.
Ainsworth, P.	Flower, Sir J.
Arbuthnot, hon. H.	Fox, C. R.
Arkwright, G.	Fuller, A. E.
Attwood, M.	Gladstone, rt. hn. W. E.
Baillie, Col.	Glynne, Sir S. R.
Baird, W.	Godson, R.
Barclay, D.	Gordon, hon. Capt.
Baring, hon. W. B.	Gore, W. O.
Baring, rt. hon. F. T.	Graham, rt. hn. Sir J.
Baskerville, T. B. M.	Grimston, Visct.
Bell, M.	Grogan, E.
Berkeley, hon. G.	Grosvenor, Lord R.
Bernal, R.	Hale, R. B.
Blackburne, J. I.	Halford, H.
Blakemore, R.	Hampden, R.
Botfield, B.	Hanmer, Sir J.
Boyd, J.	Hardinge, rt. hn. Sir H.
Byng, G.	Hardy, J.
Cavendish, hon. G. H.	Hastie, A.
Chapman, A.	Hawes, B.
Chetwode, Sir J.	Heneage, G. H. W.
Chute, W. L. W.	Henley, J. W.
Clerk, Sir G.	Henniker, Lord
Codrington, Sir W.	Hill, Lord M.
Colquhoun, J. C.	Hodgson, R.
Copeland, Mr. Ald.	Holmes, hon. W. A.
Corry, rt. hon. H.	Hope, hon. C.
Creswell, B.	Hope, G. W.
Darby, G.	Hussey, A.
Denison, J. E.	Inglis, Sir R. H.
Dickinson, F. H.	James, W.
Douglas, Sir H.	Jones, Capt.
Duffield, T.	Kemble, H.
Dugdale, W. S.	Knatchbull, rt. hn. Sir E.
Dungannon, Visct.	Knightly, Sir C.
Eliot, Lord	Labouchere, rt. hn. H.

Lopes, Sir R.	Round, J.
Lowther, J. H.	Rous, hon. Capt.
Lygon, hon. Gen.	Russell, C.
Mackenzie, T.	Sanderson, R.
Mackenzie, W. F.	Scarlett, hon. R. C.
McGeachy, F. A.	Seymour, Lord
McTaggart, Sir J.	Smith, A.
Masterman, J.	Smith, rt. hn. R. V.
Meynell, Capt.	Smith, rt. hn. T. B. C.
Mildmay, H. St. J.	Smollett, A.
Miles, P. W. S.	Somerset, Lord G.
Morgan, O.	Stanley, Lord
Muntz, G. F.	Stewart, J.
Neville, R.	Stuart, H.
O'Brien, A. S.	Sutton, hon. H. M.
Pakington, J. S.	Talbot, C. R. M.
Palmer, G.	Tennent, J. E.
Peel, rt. hon. Sir R.	Tollemache, hn. F. J.
Peel, J.	Tollemache, J.
Pigot, Sir R.	Towneley, J.
Plumptre, J. P.	Trollope, Sir J.
Polhill, F.	Turnor, C.
Praed, W. T.	Vivian, J. E.
Pringle, A.	Welby, G. E.
Pusey, P.	Wellesley, Lord C.
Reid, Sir J. R.	Whitmore, T. C.
Rice, E. R.	Wortley, hn. J. S.
Richards, R.	Young, J.
Rollleston, Col.	
Rose, rt. hon. Sir G.	
Round, C. G.	

TELLERS.

Fremantle, Sir T.  
Baring, H.

*List of the NOES.*

Aldam, W.	Mitcalfe, H.
Archbold, R.	Morison, Gen.
Barnard, E. G.	O'Brien, J.
Blewitt, R. J.	Ord, W.
Bowring, Dr.	Pechell, Capt.
Browne, hon. W.	Plumridge, Capt.
Busfield, W.	Protheroe, E.
Chapman, B.	Ricardo, J. L.
Cobden, R.	Roche, Sir D.
Collett, J.	Scholefield, J.
Currie, R.	Scott, R.
Dalmeny, Lord	Seale, Sir J. H.
Dalrymple, Capt.	Stansfield, W. R. C.
Duncan, G.	Strutt, E.
Ellis, W.	Thornely, T.
Elphinstone, H.	Trelawny, J. S.
Fielden, J.	Turner, E.
Fitzroy, Lord C.	Villiers, hon. C.
Gibson, T. M.	Wakley, T.
Granger, T. C.	Ward, H. G.
Hatton, Capt. V.	Wawn, J. T.
Hindley, C.	Williams, W.
Horsman, E.	Wood, B.
Langston, J. H.	Yorke, H. R.
Lord Mayor of London	
Marshall, W.	

TELLERS.

Ewart, W.  
Brotherton, J.

Amendment rejected.

Main question again put.

Mr. *Hawes* rose to move an amendment. The question which they had just decided, he said, was practically against the abolition at once of differential duties. He



was not himself prepared to come to that conclusion. He rather preferred, by a reduction of duty on foreign sugars, gradually to bring them into competition with sugars the produce of the West Indies. An argument was pressed into the consideration of this subject, by those opposed to such propositions as this. It was always more or less connected with the encouragement of slavery and slave-trade. It was now stated, and had been stated before, that the reduction would encourage slavery. It was also said that the revenue would be affected. He thought he could show, that the reduction on foreign sugar only, to the extent that he proposed, would not be inconsistent with the advocacy of an abolition of slavery, nor practically encourage the slave-trade. Those who formerly advocated the abolition of slavery, always maintained, that free labour was cheaper than slave labour; and that whenever negro emancipation took place, the produce of free labour would come successfully in competition with the produce of slavery. He referred to the works put forward by the Anti-slavery Society itself. At that late hour he did not mean to refer to more than this—that their pamphlets stated distinctly that this was the opinion of men who had long been most eminent in advocating the abolition of slavery; men, for instance, like Mr. Macauley, Mr. Cropper, and Sir Fowell Buxton. He referred, however, particularly to the opinion of Mr. Bealdon on this subject, that gentleman said:—

“A main defect of slavery, in an economical point of view, is its incompatibility with the highest degree of agricultural improvement, owing to the necessary debasement of the human agent, and its inability to employ, in the most efficacious manner, the various appliances of science and of art. A grand advantage of freedom is its capability of receiving the full benefit of all those invaluable accompaniments of human labour, neutralising, in a great degree the disparity of numbers, securing the greater continuity, economy, and perfection in the process, and approximating to an astonishing extent the productive powers of widely-differing soils.”

He was asked when was this written? He replied that it had been written last year, and after the sugar debate of last year. In the same pamphlet Mr. Bealdon laid down this position, that free labour was more economical in its production than slave labour. He thought it right to lay

down this foundation before he proceeded further. It was then a serious question whether the result of a reduction of the duty could effect an extension of slavery. If it could be shown that it did, then his argument must fail; but it rested upon the highest and most disinterested authority to prove that an opposite result would be attained. The reduction of the duty to the extent he proposed, could not be injurious to the anti-slavery principle. He had to refer to a document which ought to be looked to by those who were so zealous on this subject. The document had been laid upon the Table of that House, and was moved for by his hon. Friend the Member for Paisley. It showed the enormous extent of the trade carried on between Great Britain and Brazil. They had recently endeavoured to enter into a treaty with Brazil, and it went off only on the question of duty. This showed that the Government was anxious to extend the trade with Brazil. All that entered into our trade with the Brazils was more or less the produce of slave-labour and therefore every argument of those who opposed the alteration of the sugar duties, on the ground of discouraging slave produce, fell to the ground. But the real question was between protection and prohibition. The hon. Member for Dumfries had boldly grappled with the question of protection, and had put an end to all claims on that score. He, however, could not consent to a sudden change of this kind; he thought that all changes of this description should be made gradually to operate safely, and he thought that the proposition which he now made was of a character to be adopted without any danger on this score. Supposing the price of West India sugar to be 36s., and the duty 24s., this would give a total selling price of 60s. per cwt. Putting the foreign sugar at 20s., and the duty at 34s., a total selling price would be 54s. per cwt., making a difference of only 6s. between the British and foreign sugars. But as they could not have two prices in the market at the same time, he would suppose that the general price of sugars became 54s. per cwt. Now, recollecting the compensation money which the colonists had received on the abolition of slavery, and the alterations in legislation which had led to the more economical introduction of articles used in the West Indies, he put it whether this

might not be a fair remunerating price. With all respect for the hon. Member for Weymouth, to whose speech he had listened with great attention, he firmly believed that they could never arrive at the most economical mode of production until there was some degree of competition introduced. The noble Lord opposite had, on a motion of his (Mr. Hawes), laid on the Table of the House a copy of a despatch which he had addressed to the Legislative Assembly of Jamaica. The West Indians said that they could not compete with foreigners, and called upon the Legislature to protect their property; but whilst they did this, they should take care not to do that which would be at once hostile to the labourers of those colonies, whilst at the same time it diminished the amount of the production of sugar, on which this country had to depend; for the committee should recollect that if they increased the price of articles of living, they increased also the cost of production. Another point which he wished the committee to consider, was, that they should endeavour to increase the range of the class of consumers. But, even taking things as they were, he had a right to suppose that a reduction in the duties would considerably increase the consumption of sugar, and the revenues derived therefrom. The consumption of sugar varied very much. In 1831, when the price of sugar was 23s. 8d., the consumption, molasses included, was 218,000 tons; in 1841, when the price was 38s. 3d., the consumption was 210,000 tons; and in 1842, the price being 36s. 11d., the consumption was 200,000 tons. Assuming 200,000 tons to be a fair average of the actual consumption of the kingdom, it fell very far short of what it ought to be; judging even from the allowance to aged paupers in the work-houses. The allowance to aged paupers was 1 oz. a day, or 22½ lbs. per annum, which, upon the present population of 26,707,000 would make a total consumption for the kingdom of 270,000 tons; an amount of consumption which the people ought to enjoy, if they could command it. But this was an amount of sugar which we could not expect to receive from our colonies.

"The recent accounts from the West Indies fully confirm those previously received; and it may now be stated with much confidence, in contradiction to original expectation, that the

supplies from that quarter will not exceed those of last year; whilst a falling-off in the receipts from the Mauritius is certain, and probably less will be obtained from India. The imports to this date (June, 1843), of East and West India, and Mauritius, amount to 33,500 tons, against 78,000 in 1842, and 83,000 tons in 1841."

The produce of our colonies was not equal to what it ought to be, and our consumption was not what it ought to be. Another point was, that the duty which he now proposed, calculated upon 240,000 tons of sugar, would yield a very considerable revenue. Now, was the country, in its present condition, in a state to reject any proposition from which an increase of revenue could be derived; and particularly if that increase of revenue went hand-in-hand with an increase of comforts to the people. Looking at the state of the finances of the country, he thought there was no great chance of a reduction in taxation being effected. The proposition which he offered to the committee would increase the consumption of one of the necessaries of life, whilst it also benefitted the revenue. The House had as yet done nothing in the present Session for the people. He asked them now to grant them this one boon. The proposition he offered would increase the comforts of the people and improve the revenue, whilst it did nothing hostile to the great principle of slave-emancipation. The hon. Gentleman concluded by moving to add the following words to the clause, "except so far as regards the duty on foreign brown or Muscovado sugar, not being refined, which shall be hereafter charged at the rate of 34s. the cwt.

Mr. Gladstone said, that apprehending it to be the desire of the House that this discussion should close to-night, he could promise them that he should not do anything to stand in the way of so desirable a consummation. He should endeavour to be extremely brief in what he had to say, in reply to the proposition which had been so very temperately and fairly made by the hon. Member for Lambeth. For his own part, he would admit, that he was very far from congratulating the House, upon commercial grounds, on the exemption of sugar from the beneficial principles of the tariff of last year. He thought it would have been advantageous to the commerce of the country if, without sacrificing the higher interests and feelings to which the House and the country were



pledged, they could have applied the same principle to sugar as to other articles in the tariff. The hon. Gentleman recommended his proposition as regarded its effect on the revenue, and the consumption at home. As regarded the revenue, he did not think such a change would have any detrimental or injurious effect; but he thought it would be extremely difficult for the hon. Gentleman to show that the proposition was likely to have any such effect on the revenue, as materially to increase the sugar duties. The hon. Member spoke of the displacement of colonial sugar, and of the 10*s.* extra to be obtained from the duty on foreign sugar imported. But it was most unlikely that any sugar would be displaced by this measure. The colonist would sell in the protected market rather than go abroad; and every pound of his sugar would be sold here so long as the protection remained. But would the hon. Gentleman's proposition have such an effect in the reduction of the price of sugar, as materially to stimulate consumption. That appeared to him to be the practical question, and he was bound to answer it in the negative. He could not see that it would have any material effect on the price. He would not, at that late hour, trouble the committee with figures, but calculations had, on former and more convenient occasions, been produced to shew that there was no reason to anticipate any reduction in price beyond 2*s.* a cwt. under a proposition nearly similar when it was brought forward two years ago. If that were the whole reduction, there was no reason to anticipate any material benefit to the consumer. As regarded the colonists, the benefits could not be very great. They had heard the connection between the West-Indian colonies and Great Britain spoken of as if the conduct of this country towards the West Indies were one of unmixed favour; as if preference and protection were in every case extended towards their productions, while very great burthens were borne by this country for the benefit of the West Indies, and the maintenance of the colonial establishments. Now, on the other hand, it was to be said that the West Indians contributed very largely to the general wealth and greatness of the empire; the great bulk of their productions were sent to this country, and swelled the amount of its riches. There were also restrictions imposed on the agriculture and traffic of the West Indians. Their sugar was not al-

lowed to be used in the distilleries of this country, nor their molasses in the breweries. How, then, could hon. Gentlemen contend for the application of the principles of free trade towards the producers of the West Indies, when they would not allow to them the freedom which other producers enjoyed, that of hiring labour wherever they could find it cheapest on the face of the globe. The West Indians were prevented from refining sugar in the form most convenient to them. They might not refine it in the colony; at least, if they did so, and if it were sent here in the refined shape, it was liable to pay the prohibitory duty of 8*l.* 8*s.* a cwt. They were compelled to bring the article to this country, not in the refined form, in which the duty would bear the smallest proportion to the value, but in the gross crude shape, in order to afford employment to British shipping and British manufactories. These were the disadvantages under which the producer in the West Indies was placed with respect to the British market. On the whole he considered it manifest that the hon. Gentleman's proposition would only produce a very small reduction in price, which would be altogether insufficient to give a stimulus to consumption. It was a capital object, in dealing with a question of this kind, to avoid unsettling great interests having an immediate bearing on the comforts of the people as well as the interests of the revenue, without the prospect of corresponding benefit. When your duties were altered, they ought to be so altered as to give the greatest possible relief to the consumer, and at the same time to secure the greatest possible amount to the revenue. On that ground he said, that the proposition of the hon. Gentleman, though not objectionable or mischievous, was insufficient for its purpose. The House, when it approached a question like the present, ought to determine to make such a diminution of duty as to effect a material reduction in the price of the article, and therefore a great saving to the consumer. He did not think there was reason to apprehend anything like a permanent rise in prices, which had been falling for the last two years. There was a great fallacy in comparing the augmented prices of the present year, with the prices, in name equally augmented, of former years, because it was well known to those acquainted with the course of trade that there had been a progressive tendency to

improve the quality of the sugar imported. Improved machinery had been brought into use, better methods of cultivation adopted, and the article had been sent home in a much better state. Sugar at 35s. per cwt. in the present day, did not represent the 35s. sugar of several years ago, but an article better in price by several shillings a cwt. Notwithstanding what had fallen from some Gentlemen, he saw no ground for retreating from the arguments made use of in 1841, with respect to the tendency which an indiscriminate reduction of duty on foreign sugar would have under present circumstances in giving a great stimulus to the slave-trade. The hon. Member for Wolverhampton had said that persons abroad looked on our conduct in this respect as a mere piece of hypocrisy. He did not know with what persons abroad the hon. Member communicated; but for his part he believed the contrary to be the case. It was admitted in this country, that it would be beneficial, in a commercial view, to have those duties reduced; but surely the mind of man could not be so besotted, nor foreigners so blinded by prejudice, as not to see that this country had made great sacrifices for the abolition of slavery, and at this moment was making still greater sacrifices for the same end, in retaining the prohibitory duties on foreign sugar. He did not know by what party or class it had been made matter of reprobation or charge against England that she admitted the existence of those duties. If this proposition were to have the effect of admitting any great quantity of Brazilian sugar into the market, it could not be denied that it would practically give a stimulus to the slave trade. The hon. Member for Lambeth argued this part of the question merely from reference to authorities; he quoted a passage from Mr. Baildon's book to show that free labour was cheaper than slave labour, which merely laid down this as an axiom. That might be very true as a general proposition, but what was the course taken on this question by all those who had taken the warmest interest in the abolition of slavery, and done most to promote the cause? Sir F. Buxton had strongly opposed the measure submitted to Parliament by the late Government; Dr. Lushington, who was then a most strenuous and efficient supporter of the administration, rose in his place in that House to resist the proposal; and Mr. Sturge, whom he believed he might name

as a third person who had the greatest share in accelerating the final measure for the abolition of slavery, had only yesterday in a public assembly in the metropolis, declared that in his opinion no produce raised by slave labour ought to be admitted into this country. He did not speak of the possibility of acting on that opinion, but he was meeting the argument of the hon. Member for Lambeth, who had appealed to authorities alone, while he admitted that if it could be shown that the effect of his proposition would be to encourage the slave-trade, it must fall to the ground. If this measure were to do any good to our trade with Brazil, or to bring more of its produce into the British market, it must give the greatest encouragement to the Brazilian slave-trade. A greater demand would lead to a better price being paid to the Brazilian planter; a higher price must turn his mind towards the better organization of his capabilities for production. What were the instruments of which he made use in raising his crops? Slaves. The hon. Member said that an opinion had lately begun to be entertained in Brazil that free-labour was cheaper than slave-labour. He should rejoice if this were the case; but he was sorry to say such an opinion did not yet sway the councils of the nation, nor had it made any great way in overcoming the prejudices which had so much influence in that country. Slaves, not capital invested in labour, were the instruments by which cultivation was carried on; and a higher price for produce meant a higher price for slaves. A higher price for slaves, meant an increased inducement to bring slaves from Africa, and that meant extension and encouragement of the slave-trade. The whole virtue and value of this measure, in a commercial sense, went to establish the certainty of adding a powerful stimulus to the slave-trade. The policy adopted in 1841, and sanctioned by a not inconsiderable majority of a Parliament favourable to the Ministry of that day, although, he admitted, in a commercial sense open to objections, had yet, he believed not been ineffective for the greater purposes for which it had been pursued. The slave-trade was in course of progressive and regular diminution up to the end of 1842. The importation of slaves into the Brazils had fallen from about 60,000, at which it stood ten years ago, to 12,000 or 13,000, in 1842. Into Cuba eight years ago, 30,000 had been imported; in 1842 there



was not more than 3,000. How had that result been obtained? Partly, no doubt, by the activity and gallantry of our cruisers, and the noble liberality with which the means of this country had been exerted for the purpose of checking the slave-trade. That had been one part of our policy; but another part had been to withhold from the purchasers of slaves that encouragement which a reduction of duties would have given, furnishing a stimulus far more powerful and certain than any measures of repression which were at our command would have been in checking the trade. These were, then, proofs of the practical effect of the policy of Great Britain. On some estates in the Brazils the cultivation of sugar had been abandoned, and that of coffee substituted. Hon. Members opposite were fond of pressing the argument that Brazilian sugar ought not to be excluded while Brazilian coffee was admitted, but, although there might be some inconsistency in admitting the one article and excluding the other, when considered logically and philosophically, yet practically it was not. The article of sugar from the continuous and comparatively severe labour which it required, had a special connection with the slave-trade, while coffee had no such connection, as it might be raised by the labour of women and children. It might be a question how far our proceedings had been consistent with respect to the coffee of Brazil, but he said that, by receiving the coffee of Brazil we did not give a stimulus to the slave-trade. This was not a mere question as to slave-labour, but as to the slave-trade. This opposition to the motion referred rather to its details than its principle, and rather to its insufficiency for the purpose it had in view, than to any essential vice in its nature. Those grounds of humanity which had induced the House to come to an adverse decision in a former year remained still in full force, and would, he had no doubt, lead the House now to a similar conclusion.

Mr. *Labouchere* assured the House he would occupy their time very briefly, and, avoiding all details and figures, would state only on general principles why he was prepared to vote with his hon. Friend. The question on which they were about to vote was, whether sugar should continue to be excepted from the general rule which had been laid down with regard to all other articles of trade and consumption in the country; whether it should be protected

by a differential duty or by a complete monopoly and prohibition; or whether the time had not come when, looking to the interest of the consumers, the interest of trade, and of a revenue, sugar should not come under the same regulations which had been declared just and expedient with regard to every other article of trade and consumption? What prospect had this country of being freed from a burthen which every year was becoming more intolerable, and to which the attention of the people was more and more directed? He never listened to the expression of the opinions of any Government with less satisfaction than he had listened to-night. Nothing could be more vague, uncertain, and indefinite than the grounds on which the Government proposed to defer the settlement of the sugar duties in the manner proposed. He did not argue on the immense advantages which would arise to trade and commerce from applying to sugar the principles that had been applied to other articles of trade and consumption. He could appeal to the high authority of the right hon. Baronet (Sir R. Peel) himself, who declared last Session that there was no step which the House could take that would give such a stimulus to trade, and be so important to the interests of the consumer, as the application to sugar of the same principles which had been applied to other articles. Why, then, should they any longer delay applying those principles which came to them recommended by such high authority? The right hon. President of the Board of Trade had placed his defence of the sugar duties on a single ground. He allowed that, commercially and financially considered, it was most desirable that they should assent to the proposition of his hon. Friend, but this was not the time to carry it into effect. Why, if the Government would announce their intention to deal with the sugar duties on just and liberal principles, he was sure his hon. Friend and the House would leave the matter in their own hands. All he asked was, that the prohibition which had been abolished on every other article should no longer be continued on sugar; but, finding an interest which had been long established, they would not do away with all protection at once, but apply to it a moderate differential duty. The right hon. Gentleman the President of the Board of Trade said, that so long as the slave-trade existed we should not take sugar from countries where slaves would continue to

be imported for its production. Why, when Lord Glenelg brought forward a modification of the sugar duties before negro emancipation had taken place, surely the question of the slave-trade applied as much to the proposal of Mr. Huskisson and Mr. Grant as to that of his hon. Friend. Yet the present Chancellor of the Exchequer was then in office, and said that he agreed in principle with Mr. Huskisson and Lord Glenelg, and that he considered it only a question of time. The question of the slave-trade, and of the reception of slave produce was then raised, and it was disposed of triumphantly by Mr. Huskisson and Lord Glenelg. They said,

“As long as you have an extensive export trade to Brazil, you must be aware that trade cannot be continued unless you receive in return the produce of slave labour; and, if you act consistently, you must declare that you will not export a single bale of goods to that country.”

But he conceived that the reasons for which Parliament and the late Government resisted for several years any alteration in these sugar duties were of a totally different nature. They felt, and he thought justly, that after the great experiment which had been tried in the West Indies, it was right that time should be afforded to ascertain the result of that experiment before any alteration was made which might have a tendency to shake confidence in the system then established. He believed that was the ground, and he considered it a sufficient one, on which the Legislature and the Government had resisted for some time after the passing of the Slave Emancipation Act, any alteration in the duties on the great staple article of colonial produce. But he had always felt, and had always said, that this must have an end; and it was clearly indicated to the West-India proprietors that the time was approaching when the Government would feel it their duty to propose that the same principles which had been applied to other articles of commerce should be applied to that of sugar. Now, he would put it to the House, what was to be gained by delay? If they believed that the present system could not last, that it ought to be changed, had not the period now arrived for making an alteration? Ample time had been allowed the colonies to recover from the effects of the new system which had been established. Ten years had elapsed since the act for the emancipation of the negroes was adopted; a general reform of the system

of duties had been announced, and, to a considerable extent, had been carried into effect; and when they had thus dealt with all other interests, he thought it was the height of injustice and impolicy to except the sugar duties from the application of the principle which had been laid down with respect to other articles. The measure which was proposed last Session by the President of the Board of Trade, and which was adopted by the House, had modified very considerably those colonial duties of which such general, and he thought just complaints, were made; and he therefore considered this a most favourable opportunity for adopting the course now recommended to the House. It was his honest conviction that the time had arrived when it was most desirable, for the interests of the colonists themselves, that this step should be taken. They must not regard merely the case of the West Indies, they must look also to the East Indies, and to the Mauritius, where of late years, a large quantity of sugar had been produced. He had, last year, expressed his opinion that the maintenance of monopoly would have the effect of stimulating production in the colonies to which he had just alluded; and his expectations had been strikingly verified, especially in the case of the Mauritius. In consequence of the high price of sugar in this country, most extensive speculations had been entered into in that colony, which had produced most ruinous results; and collapse and diminished production had been the consequence. The right hon. Chancellor of the Exchequer had stated that there would be a sufficient supply of sugar for the next year. He did not understand what was meant by a sufficient supply. He would say on this subject, as he did with regard to the article of corn, “Put your law upon a proper rational footing, and then leave the people to get their supplies on the best terms on which they can obtain them.” For a Chancellor of the Exchequer to say, “I can get so much sugar from one place, and so much from another, and therefore I propose to uphold the monopoly for another year,” seemed to him a most dangerous and unjustifiable course of proceeding. The supply of sugar which had been received last year had been referred to by the hon. Gentlemen opposite in support of their arguments; but he wished to call the attention of the House to three facts in connexion with the circumstances of the sugar trade last year. The price of sugar



in 1842 was moderate compared with what it had been during the preceding year. The supply was good, and the price of corn was low; but, notwithstanding this favourable combination of circumstances, the quantity of sugar entered for consumption in 1842 was considerably less than the supply entered for consumption in 1841. When the price of corn was high, the people were rather disposed to spend their money in the purchase of bread than of sugar, but though last year the prices of bread and of sugar were low, the consumption of sugar exhibited a falling-off as compared with that of the preceding year. He thought this was a decisive proof of a diminished power of consumption in the country. He could not sit down without expressing a hope that some more distinct declaration would be made than they had yet had the good fortune to hear from any member of her Majesty's Government as to what were the prospects of this country, either as to the treaty with the Brazils, or with respect to any other treaties with sugar-producing countries, which might afford a hope that the time was approaching when rational principles of trade would be applied to this article, and when Great Britain might derive the advantages of the admission of foreign sugar into competition with that produced in her colonial possessions.

Sir R. Peel said, the right hon. Gentleman who has just sat down, expressed a hope that some explanation would be given by her Majesty's Government as to the course of negotiations on this subject past or future—but the right hon. Gentleman must be aware, that great embarrassment might result to the public service if any Member of her Majesty's Government entered into details with respect to matters of this nature. I may say, generally, that her Majesty's Government have, within the last year, submitted propositions to the Government of Brazil for the purpose of placing our commercial relations with that country, which will terminate in November, 1844, upon a basis which appears to her Majesty's Government more satisfactory than that which at present exists. These propositions so made by her Majesty's Government to the government of Brazil, had reference to the article of sugar. We proposed to the government of Brazil to treat for the freer admission of Brazilian sugar into the markets of this country, on the condition that the government of Brazil should adopt some measures for the purpose

of ameliorating the condition of the slave population of that empire, and leading, not immediately, but gradually and ultimately, to the extinction of slavery in its dominions. It was unnecessary to enter into any discussion with the government of Brazil upon that basis, because the government of Brazil intimated to her Majesty's Government, in the first instance, that they would not consent to treat upon any other basis than that contended for by the hon. Member for Dumfries—namely, that the agricultural produce of Brazil should be admitted into this country, not only upon as favourable a footing as that on which the produce of any foreign country was admitted, but upon the same footing as that on which we admitted the produce of our own colonies. Subsequently, a modification of that proposal was submitted, permitting an advantage of 10 per cent to the produce of our colonies; but that was understood to be the *ultimatum* of the Brazilian government, and the negotiation with that Government then terminated. Our treaty with the government of Brazil expires, as I have before stated, in November, 1844. The hon. Member for Dumfries has frequently said,

“If you object to make a treaty with Brazil, why don't you treat for the admission of Java sugar into this country, or for the admission of sugar produced in the islands of the Indian Archipelago or in China into our markets? These are sources from which you may admit the competition of foreign sugar free from the objection that that sugar is the produce of slave-labour.”

The hon. Gentleman says,

“Here you may obtain sugar the produce of free labour. Show a disposition to break up the West-India monopoly. Remove your prohibitive duties in favour of sugar which is produced by free labour.”

But the answer to the hon. Gentleman, at present, at least, is this, that by our treaties with Brazil and other countries producing sugar by slave-labour, we are not at liberty, during the existence of those treaties, to permit the importation into this country of sugar, the produce of free labour. You cannot permit the introduction of China or Java sugar into this country, while your present treaty with Brazil continues in force; because that treaty gives to Brazil the right of insisting upon the admission of its sugar, though it may be the produce of slave labour, to the exclusion of other sugar, although it may be the produce of free labour. There is no stipulation in the treaty, I presume, that the

conditions must be the same. You are not at liberty, I apprehend, to say to Brazil, it is true we admit Java sugar, but it is the produce of free labour; yours is the produce of slave-labour. Brazil, I apprehend, has under the existing treaty a right to call upon us to admit her sugar on the most favourable footing. That is an answer to the argument of the hon. Member for Dumfries as to the introduction of Java sugar. Well, then, Sir, I must still contend, notwithstanding that I admit, as I have before admitted, the benefits to be derived from a supply of cheap sugar, that in the existing feeling of the people of Brazil with respect to the slave trade, it cannot be expected that this country, after our sacrifices for the abolition of the slave trade and of slavery, and after the professions we have made in the face of the world, could admit, without fixing a stain on the character of the nation, Brazilian sugar to the British market, unless we obtained at the same time further concessions from them in favour of the suppression of the slave trade. Sir, I am much afraid that the history of the slave-trade in Brazil will be found to reflect anything but honour on that country, anything but honour on their legislation, anything but honour on their executive. Sir, when some time ago it became necessary to remove our fleet, which was stationed on the Brazilian coasts for the prevention of the slave-trade, to protect British interests in the river Plate, the Brazilians took advantage of its absence, and the slave-trade immediately rose again with a vigour never before known. I state this with confidence, for I have here a list of the ships that introduced slaves, with accounts of the artifices that were made use of, and the manner in which the slaves were conveyed. Representations I need not say were made by our Minister to the Brazilian authorities, and the most earnest remonstrances addressed to them. But look at the extent of Brazil, and the vast tracts of virgin land in that country fit for the cultivation of sugar. Public feeling there (it is impossible to deny it) is in favour of the free admission of slaves for the purpose of cultivating those tracts and raising sugar on them; and therefore, although, as the right hon. Gentleman says—and the argument has some plausibility—we encourage slave-labour and the slave-trade by becoming the carriers of their produce in the way we do at present, and therefore we cannot consistently refuse to take their sugar; yet depend upon it, if you open the British

market to their sugar, although there is some analogy to our present proceedings, the practical consequence would be, that you would give an immediate stimulus to the slave-trade. You would discourage the growth of that spirit which you have been fostering for years; you would be taking a different course; you would give rise to new exertions on the part of the slave-traders. There cannot be a doubt I apprehend, that such would be the practical result of opening the British market to Brazilian sugar. It has been said by some hon. Gentlemen that her Majesty's Ministers are afraid to deal with monopoly, that we are afraid to come into collision with the West-India interest. Now, if we were to put aside considerations of justice, and looked only for popularity and support in this House, I do believe that the very best thing we could do would be to sacrifice the West-Indian interest. [An hon. Member "No."] The hon. Member only heard the last part of my sentence, that the best thing we could do would be to sacrifice the West-Indian interest. What I did say, was, that if the Government, casting aside other considerations, were to look only for Parliamentary support, if they disregarded considerations of justice and sought only popularity, then their best course would be to admit to the British market the produce of Brazil and Cuba. That was what I said; but then it is said we have purchased the right by the grant of 20,000,000*l.* of compensation money, of dealing as we like with the West-Indian proprietors. Now, if I take an individual proprietor, and say I purchased your slaves and I have a right to deal with you as may appear expedient, if I take the case of a single proprietor, perhaps in strict justice I might have a right to say so. But still, I very much doubt whether on the whole a compensation in full has been given him for so great a change as has taken place. I have made anxious inquiries into this question, and in order to test the truth, instead of a vague statement, I asked for an account of the estate of an individual. On an average of years previous to the commencement of the apprenticeship system that estate was yielding about 10,000*l.* a-year. During the apprenticeship system the average was about 6,400*l.* a-year. But I wished to ascertain what were the returns now of payments made and profits received, and this is the account, the accuracy of which I have every reason to confide in. From the 15th of January to the



31st of December, 1840, the payments for the wages of labour, the island taxes, the repairs of machinery and other things amounted to 10,681*l.*; the receipts for the same period were 7,028*l.* This was in 1840. For the same period in 1841 the payments were 9,889*l.*, the receipts 7,042*l.* In the last year, when, as it was said, a sufficient interval—or, as the right hon. Gentleman called it, breathing time—had been given, when the experiment had been tried, what were the results? From the 1st of January to the 31st of December last year the payments were 9,795*l.*, the receipts 7,230*l.* So that for the last three years, an estate from which the average returns were 10,000*l.* a-year, averaged a net loss on the three crops of 3,081*l.* [Mr. *Hawes*: The estate belongs to a resident proprietor.] No, the proprietor is not resident; and I admit that his being resident might possibly make a difference; but I was comparing the present with the former produce of the estate. Probably in former years also the residence of the proprietor would have increased the profits. I was only showing, and I think conclusively, from this account, that though, perhaps, more than 10,000*l.* or 14,000*l.* might have been received in such a case from the slave-compensation fund, still, noble as the gift was as respects us, it cannot be considered that the proprietor has received complete compensation for the change which has arisen from the abolition of slavery. However, I am not complaining of that abolition or of the amount of the sum received; I am only dealing with the argument that we have paid you the 20,000,000*l.*, and therefore, have a right to deal with you as we like. I say again, that if I take the case of an individual proprietor it may be that he has in strict justice no reason to complain, but when I come to legislate on such a subject I must look at the actual condition of the colonies and the nature of the connexion which exists between them and the mother country. [An hon. *Member*: “Divide, divide.”] I am always ready to accede to the wishes of the House, and the more so on the present occasion, the subject being one which has so frequently been discussed nothing new can be said upon it. I rose with pain, and should not have done so, were it not that hon. Gentlemen opposite taunted Government with being silent. I had been asked what had been done with respect to the negotiations with Brazil? I have stated as distinctly as I can the course which has been pursued, and I now hope

that the House will consent to the proposition of the Government.

The Committee divided on the question, “that the words moved by Mr. Hawes be added: Ayes 122; Noes 203; Majority 81.

#### List of the AYES.

Aglionby, H. A.	Howard, Sir R.
Ainsworth, P.	Howick, Visct.
Aldam, W.	Hutt, W.
Anson, hon. Col.	Jervis, J.
Archbold, R.	Johnson, Gen.
Bannerman, A.	Labouchere, rt. hn. H.
Baring, rt. hon. F. T.	Langston, J. H.
Barnard, E. G.	Lascelles, hon. W. S.
Berkeley, hon. Capt.	Lemon, Sir C.
Blewitt, R. J.	Leveson, Lord
Bowring, Dr.	Macaulay, rt. hn. T. B.
Brotherton, J.	McTaggart, Sir J.
Bulkeley, Sir R. B. W.	Mangles, R. D.
Buller, E.	Marshall, W.
Busfield, W.	Mitcalfe, H.
Byng, G.	Morris, D.
Cavendish, hn. G. H.	Morison, Gen.
Clive, E. B.	Morrison, J.
Collett, J.	Muntz, G. F.
Craig, W. G.	O'Brien, J.
Crawford, W. S.	O'Brien, W. S.
Currie, R.	O'Connell, M. J.
Curteis, H. B.	Oswald, J.
Dalrymple, Capt.	Paget, Col.
Dawson, hon. T. V.	Parker, J.
Denison, J. E.	Pechell, Capt.
Dennistoun, J.	Philips, G. R.
Divett, E.	Pigot, rt. hon. D.
Duke, Sir J.	Plumridge, Capt.
Duncan, Visct.	Ponsonby, hon. J. G.
Duncan, G.	Protheroe, E.
Dundas, Adm.	Redington, T. N.
Easthope, Sir J.	Rice, E. R.
Ebrington, Visct.	Ross, D. R.
Ellice, E.	Russell, Lord J.
Ellis, W.	Russell, Lord E.
Esmonde, Sir T.	Scholefield, J.
Etwall, R.	Scott, R.
Evans, W.	Seale, Sir J. H.
Ewart, W.	Seymour, Lord
Forster, M.	Smith, J. A.
Fox, C. R.	Smith, rt. hon. R. V.
Gibson, T. M.	Stanley, hon. W. O.
Gill, T.	Stansfield, W. R. C.
Gore, hon. R.	Stanton, W. H.
Granger, T. C.	Stuart, Lord J.
Grey, rt. hon. Sir G.	Strutt, E.
Grosvenor, Lord R.	Tancred, H. W.
Hall, Sir B.	Thorneley, T.
Hallyburton, Ld. J. G.	Towneley, J.
Hastie, A.	Trelawny, J. S.
Hatton, Capt. V.	Tufnell, H.
Hayter, W. G.	Turner, E.
Heathcoat, J.	Vane, Lord H.
Hindley, C.	Wakley, T.
Horsman, E.	Watson, W. H.
Howard, hon. C. W. G.	Wawn, J. T.
Howard, hon. J. K.	Wilshire, W.
Howard, Lord	Winnington, Sir T. E.

Wood, B. Yorke, H. R.  
 Wood, C. TELLERS.  
 Wood, G. W. Hawes, B.  
 Worsley, Lord Hill, Lord M.

*List of the NOES.*

Ackers, J. Eliot, Lord  
 Acland, Sir T. D. Emlyn, Visct.  
 A'Court, Capt. Escott, B.  
 Acton, Col. Estcourt, T. G. B.  
 Adare, Visct. Farnham, E. B.  
 Adderley, C. B. Fellowes, E.  
 Alford, Visct. Flower, Sir J.  
 Antrobus, E. Follett, Sir W. W.  
 Arkwright, G. Forbes, W.  
 Astell, W. Forester, hon. G. C. W.  
 Attwood, M. Fox, S. L.  
 Bailey, J. jun. Fuller, A. E.  
 Baillie, Col. Gaskell, J. Milnes  
 Baillie, H. J. Gladstone, rt. hn. W. E.  
 Baird, W. Gladstone, Capt.  
 Barclay, D. Glynn, Sir S. R.  
 Baring, hon. W. B. Godson, R.  
 Barrington, Visct. Gordon, hon. Capt.  
 Baskerville, T. B. M. Gore, W. O.  
 Beckett, W. Goring, C.  
 Bell, M. Goulburn, rt. hon. H.  
 Bentinck, Lord G. Graham, rt. hn. Sir J.  
 Berkeley, hon. G. F. Gimsditch, T.  
 Bernard, Visct. Grogan, E.  
 Blackburne, J. I. Halford, H.  
 Blakemore, R. Hamilton, J. H.  
 Boldero, H. G. Hamilton, G. A.  
 Botfield, B. Hamilton, W. J.  
 Bradshaw, J. Hamilton, Lord C.  
 Broadley, H. Hampden, R.  
 Bruce, Lord E. Harcourt, G. G.  
 Buller, Sir J. Y. Hardinge, rt. hon. Sir H.  
 Burrell, Sir C. M. Hardy, J.  
 Cardwell, E. Hayes, Sir E.  
 Charteris, hon. F. Heneage, G. H. W.  
 Chetwode, Sir J. Henley, J. W.  
 Cholmondeley, hn. H. Hepburn, Sir T. B.  
 Christopher, R. A. Herbert, hon. S.  
 Chute, W. L. W. Hervey, Lord A.  
 Clayton, R. R. Hodgson, R.  
 Clerk, Sir G. Holmes, hn. W. A' Ct.  
 Clive, Visct. Hope, hon. C.  
 Codrington, Sir W. Hope, A.  
 Colquhoun, J. C. Hope, G. W.  
 Colville, C. R. Hornby, J.  
 Connolly, Col. Hughes, W. B.  
 Copeland, Mr. Ald. Ingestre, Visct.  
 Corry, rt. hon. H. James, W.  
 Courtenay, Lord Jermyn, Earl  
 Cresswell, B. Johnstone, Sir J.  
 Cripps, W. Jones, Capt.  
 Darby, G. Kemble, H.  
 Denison, E. B. Knatchbull, rt. hn. Sir E.  
 Dickinson, F. H. Knightley, Sir C.  
 Douro, Marq. of Lennox, Lord A.  
 Duffield, T. Lincoln, Earl of  
 Dugdale, W. S. Lockhart, W.  
 Dunganon, Visct. Lowther, J. H.  
 East, J. B. Lowther, hon. Col.  
 Egerton, W. T. Mackenzie, T.  
 Egerton, Sir P. Mackenzie, W. F.

Mc Geachy, F. A. Round, C. G.  
 Mahon, Visct. Round, J.  
 Mainwaring, T. Rous, hon. Capt.  
 Manners, Lord C. S. Rushbrooke, Col.  
 Manners, Lord J. Russell, C.  
 Marsham, Visct. Russell, J. D. W.  
 Martin, C. W. Sanderson, R.  
 Martin, T. B. Sandon, Visct.  
 Master, T. W. C. Scarlett, hon. R. C.  
 Masterman, J. Shaw, rt. hon. F.  
 Maxwell, hon. J. P. Smith, A.  
 Meynell, Capt. Smith, rt. hn. T. B. C.  
 Mildmay, H. St. J. Smollett, A.  
 Miles, P. W. S. Somerset, Lord G.  
 Miles, W. Sotheron, T. H. S.  
 Morgan, O. Stanley, Lord  
 Mundy, E. M. Stewart, J.  
 Neeld, J. Stuart, H.  
 Neville, R. Sturt, H. C.  
 Newdigate, C. N. Sutton, hon. H. M.  
 Newry, Visct. Talbot, C. R. M.  
 Nicholl, rt. hon. J. Tennent, J. E.  
 Norreys, Lord Tollemache, J.  
 Owen, Sir J. Trench, Sir F. W.  
 Packe, C. W. Turnor, C.  
 Pakington, J. S. Verner, Col.  
 Palmer, R. Vernou, G. H.  
 Patten, J. W. Vesey, hon. T.  
 Peel, rt. hon. Sir R. Waddington, H. S.  
 Peel, J. Walsh, Sir J. B.  
 Pennant, hon. Col. Welby, G. E.  
 Pigot, Sir R. Wellesley Lord C.  
 Plumptre, J. P. Whitmore, T. C.  
 Pollock, Sir F. Wilbraham, hn. R. B.  
 Praed, W. T. Williams, T. P.  
 Pringle, A. Wood, Col.  
 Pusey, P. Wortley, hon. J. S.  
 Rashleigh, W. Wortley, hon. J. S.  
 Reid, Sir J. R. Young, J.  
 Repton, G. W. J. TELLERS  
 Rolleston, Col. Fremantle, Sir T.  
 Rose, rt. hon. Sir G. Baring, II.

The different clauses having been gone through, the House resumed.

Report to be received.

The House adjourned at 1 o'clock.

HOUSE OF LORDS,

*Friday, June 23, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>a</sup>. Chelsea Hospital.

2<sup>a</sup>. Princess Augusta's Annuity; Roman Catholic Oath; Moveable Property (Scotland).

5<sup>a</sup>. and passed:—Assessed Taxes.

*Private.*—2<sup>a</sup>. Drumpeller Railway; Eglwys-tyhos Inclosure; Milne's Free School.

*Reported.*—Southampton Cemetery; Topsham Improvement; Ballochney Railway; Bardney Drainage.

PETITIONS PRESENTED. By the Earl of Yarborough, from Great Grimsby, against the Canada Corn Bill.—From Clifden, in favour of the Schools connected with the Church Education Society (Ireland).

SERVIA.] Lord Beaumont would take the opportunity of putting a question to the noble Earl (the Earl of Aberdeen) on



the subject of Servia. Since he had last brought this subject under their Lordships' attention, Russian influence had completely triumphed in the Ottoman councils, and Russia had, moreover, trumpeted forth her triumph by conferring honours, not only on her own agents, but also on the agents of other Governments, who had been instrumental in bringing that triumph about. It had also been stated that persons in the interest of Russia had been sent to the Pacha of Belgrade, directing him to proceed to the election about to take place. Servia, in short, had been reduced to the same dependent condition as Moldavia. This was a direct infringement of the independence of the Ottoman empire, which England was bound to defend. Under these circumstances he wished to ask the noble Lord the Secretary for Foreign Affairs whether he was willing to lay on the Table such papers as would be calculated to explain the course of the English ambassador at Constantinople?

The Earl of *Aberdeen* had no objection to the information which the Government possessed on the subject being laid upon their Lordships' Table, but he begged to abstain from placing that information upon their Lordships' Table at the present moment, because there was an election now going on in the country mentioned. As soon as that election was settled the papers should be laid before Parliament.

WINTER GAOL DELIVERY.] Lord *Denman* said, it had been intimated that it was in the contemplation of her Majesty's Government to appoint judges to go a third circuit in order to obviate the inconvenience and injustice which had been said to result from keeping prisoners confined during the interval between the summer and spring assizes. A vote of the House of Commons had been taken for the purpose of meeting the additional expenses which would thus be incurred. He thought the step was one far too important to be made upon the responsibility of Government; and he expressed that opinion the more confidently, because he felt assured that such an alteration could not be made useful or effectual, without some new powers being given by the Legislature. He felt strongly for parties who might be subjected to a long imprisonment before trial, and who might come out of the dock with a verdict of "Not guilty;" but at the

same time it ought not to be forgotten that the convenience of many persons was implicated in the change, and that not only the sheriffs of counties, but the gentry and tradesmen who were to serve on the juries, were under the new system to be called together a third time in the year, no doubt to their great personal inconvenience and pecuniary loss. When he stated that such change could not be made useful without a Legislative enactment he meant this—that as there was a Central Criminal Court for the metropolitan districts, where sittings were held at frequent intervals, so the Queen might be empowered by Parliament to issue a commission for certain districts in the provinces according to the actual necessities of the case, according to the pressure of prisoners in the gaols, and as the general state of the country might require. Under this plan a district court might be created, at which the attendance of only one sheriff and one set of jurors and other officers, would be required for the purpose of clearing the gaols. He was the more called on to make this statement to their Lordships, because it seemed to him impossible that such an arrangement as that proposed could be carried into effect without the creation of additional judges. He knew it was often said that the judges had much leisure time on their hands, but, so far from this being the case, he could assure the House, that from the commencement of November to the end of August many of the judges had not an hour which they could call their own. It was a subject of not unfrequent complaint even now that judgment in important cases were delayed, but he really thought that there was no delay which was not perfectly consistent with the occupation of the judges' time in the consideration of other business. He thought the subject was one which should be taken up cautiously, and he was also of opinion that all the powers connected with the new arrangement should be powers proceeding directly from the Parliament. He did not wish in these observations to suggest any plan of his own, but he did desire that no scheme should be adopted without that attention being given to it of which the subject was so eminently deserving.

The Duke of *Richmond* thought it of great importance that there should be a winter circuit. When the judges now went to deliver a gaol, they often found a man

brought up for trial who had laid many months in prison, and upon whom they were consequently induced to pass a very lenient sentence. That man, when the period of his punishment expired, went home to his village and there gave out that the judge had considered his offence so trivial that he had only passed a very light sentence. A comparison was forthwith drawn between sentences at assizes and sentences at quarter sessions, which was invariably disadvantageous to the latter, because the facts were not understood. At the same time he admitted the importance of the noble Lord's observations. As he understood him, if it was found there were only six prisoners in Maidstone gaol whilst there were a large number in Lewes gaol, the prisoners at the former would at the third assizes go to the latter place to take their trial. If that plan were to be put in practice, the noble Lord would see that there must be some addition to the county expenses in the shape of charges for conveyance of prisoners and witnesses, although at the same time there would be undoubtedly a saving of expense and inconvenience to judges, sheriffs, and other functionaries. On the whole, he thought that some arrangement might be made such as that the noble Lord had suggested, and, at all events, his recommendations were worthy of attentive consideration.

Lord *Campbell* expressed his general concurrence in what had fallen from the noble Lord the Chief Justice of the Queen's Bench, but suggested that means might be taken to avoid any increase to the present number of judges. A professional chairman, for example, might be appointed to courts of quarter sessions, or, if this suggestion were objectionable, the Irish judges who had very little to do might be brought over here to assist the adjudication of our laws. This last idea might, he thought, deserve particular attention. The state of the law was the same, and there was no earthly reason why a judge should not adjudicate as well in York as in Cork. Such an arrangement as an interchange of judges might, too, possibly draw closer the bonds of union between the countries.

#### ASSESSED TAXES—PROBATE DUTIES.]

Lord *Wharnccliffe* moved the third reading of the Assessed Taxes Bill,

Lord *Hatherton* said, he had to offer a

suggestion which was somewhat germane to this bill. By the 55th George 3rd. a probate duty was payable on all personal property from 20*l.* to 1,000,000*l.* Now their Lordships were aware that there were several cases of personal property to which the duty attached, and which were infinitely beyond a million. He had frequently endeavoured to ascertain from old Members of Parliament what induced the Government and the Legislature to fix such a limit, but he could never hear any satisfactory reason for adhering to this amount. An attempt had been made by the late Government to remove the evil, but it had not been successful.

Lord *Monteagle* could confirm all that had been said by his noble Friend. There was also in the present state of the law the additional anomaly that where the property happened to be situate in York and Canterbury probate duty was paid for that which existed in each. There arose a case, while he was Chancellor of the Exchequer—a case where a man left a property considerably exceeding a million, but as it happened to be in the two provinces, the present law made the maximum duty payable in each.

Lord *Wharnccliffe* would make known these suggestions to his right hon. Friend the Chancellor of the Exchequer who would not be displeased at finding a new expedient for gaining more money. Common sense seemed to dictate that whatever was the amount of personal property it should pay a proportioned duty. He believed the present anomaly arose from the circumstance, that when the law was made, no one anticipated there could be a larger personal estate than a 1,000,000*l.*

Bill read a third time.

Their Lordships adjourned.

#### HOUSE OF COMMONS,

*Friday, June 23, 1843.*

MINUTES.] *BILLS.* Public.—1<sup>o</sup>. Court of Exchequer (Ireland).

2<sup>o</sup>. Woollen, etc. Manufactures; Appeals, etc. (Privy Council).

*Committed.*—Excise; Exchequer Bills.

*Reported.*—Sugar Duties.

*Private.*—*Reported.*—Neath Harbour; Northampton Improvement.

PETITIONS PRESENTED. By Mr. Kemble, from Peckham, against the present system of Education in Ireland; and against any further Grant to Maynooth College, or for other Educational Purposes.—By Mr. Lefroy, from Kilmore, to the same effect.—By Mr. Ferrand, from Glasgow, in favour of the Waste Lands Allotment Bill.—By Lord Norreys, from a parish in Oxford, and other places, for Church Extension. — By Mr. Chute, from East



Dereham, for the Repeal of the Roman Catholic Relief Act.—By Mr. Ferguson, from Kirkcaldy, and Glasgow, for carrying out Rowland Hill's plan of Post-Office Reform.—By Lord Clements, and Mr. W. S. O'Brien, from Drogheda, and the Vale of Leven, against the Irish Arms Bill.—By Mr. M. Blake, from several places, in the County of Mayo, against the Irish Poor-law.—By Captain Pechell, and Mr. V. Harcourt, from a great number of places, against, and from two places, in favour of the Factories Bill.—From Newcastle-upon-Tyne, in favour of the Scientific Societies Bill.—From several Places, in Ireland, for enabling Schoolmasters to recover their Wages at Petty Sessions.—From Glasgow, for the Repeal of the Income-tax; and for Amending the Law relating to the Merchant Seamen's Fund.—From Boston, against the Bankruptcy Act.

COOLIES IN THE WEST INDIES.] Lord Stanley said, in answer to Mr. G. Berkeley, he had received within a very short time, and was preparing to lay on the Table, information with regard to the return of a number of coolies from Demerara to India, the term of their engagements having expired. The accounts of these persons were very satisfactory. Their conduct had been exceedingly good, and they were returning perfectly satisfied with their situation, carrying with them a very considerable sum of money, amounting to not less than from 150 to 200 dollars for each individual returning. When on board ship, they made a subscription of two dollars each, to provide a testimonial of their esteem for the manager of the estate on which they had been employed.

ARMS IRELAND.] The order of the day for going into committee on the Arms (Ireland) Bill having been read,

Sir H. W. Barron rose to call the attention of the House to the necessity of extending the measure to England, on the same grounds that had been adduced by noble Lords and the hon. Gentleman opposite for applying it to Ireland, if it were intended that the laws should be framed and administered on the same principles for both countries. Both the right hon. Gentleman at the head of the Government, the noble Lord the Secretary for the Colonies, and the Secretary for the Home Department, had maintained that the bill was a measure, not of coercion, but for the protection of life and property. If this were really a bill for that purpose, what English Gentlemen could consistently, and in common honesty, refuse to extend its provisions to this country? Hon. Members opposite were in this dilemma—they had either made use of false pretences in order to get the bill passed for Ireland, or they were inconsistent, if they refused to

extend it to England. It was said there was a serious difference between the two countries as regarded the amount of crime to be found in each. Gentlemen on his side had demanded a committee to inquire into the truth of this allegation; but a large majority refused to accede to the proposition. He was ready to show that there was no serious difference in this respect between England and Ireland. In 1840, the returns for England, under the head of serious offences, murder, attempt to murder, shooting or wounding, and manslaughter, gave 236 as the total convictions; in the same year, the number in Ireland was 184. He allowed that to bring Ireland to an equality the number should be 118; but as it was, there was only one-fifth more crime in Ireland, taking into account the difference in the amount of population. Under the head of offences against the person, exclusive of common assaults and assaults on peace officers, the number in England, during the same year, was 461, and in Ireland only 258. Although the difference was slight, he admitted that the proportion was rather against Ireland. He excluded common assaults because there was no return to the Home Office of the summary convictions for petty assaults in England: but as they were returned in Ireland, the number was swelled in the returns from that country. In England the convictions for assaults on peace officers, in the execution of their duty, in 1840, was 376; the whole convictions in Ireland for the same class of offences in the same year, was only forty-three, being eight times less than in England. The convictions for offences against property, with violence, in England, in 1840, amounted to 1,484; the total number in Ireland amounted only to 334; showing that these offences were four and a-half times more numerous in England than in Ireland. The return showed also, that crime in 1840, as compared with 1839, had diminished in Ireland, whilst crime in England had considerably increased, and was increasing. The total number of convictions in Ireland, in 1839, was 12,049; the total in 1840, was 11,194; being a decrease of 855. And this decrease had been progressive from 1829 to 1840. Now, as regards England, the total convictions in 1839, were 17,832; and in 1840, the number was 19,927, being an increase of

crime in England in that one year of 2,095; and yet hon. Gentlemen said they must have an Arms Bill for Ireland, and he supposed they would say not for England. In England, too, there had been two insurrectionary movements in seven years, and there had not been one in Ireland. When he knew that it was almost a miracle that the town of Monmouth was not taken by an insurrectionary mob led by respectable men, and when no one dared to say, that anything like this had taken place in Ireland, he said the two countries were not ruled by equal laws. During the last nine months a violent insurrectionary movement took place in England, by a large armed mob turning out men from their work, and frightening lord-lieutenants and magistrates; and yet hon. Gentlemen complained of peaceable meetings in Ireland to petition that House, and stocked the ports and harbours with men of war and steamers for the coast, and sent off hundreds of horse, foot, and dragoons. In England, however, though towns were sacked, no Arms Bill was asked for, nor was the Habeas Corpus Act sought to be suspended. Again crimes existed in England which were not dreamt of in Ireland; four or five times had the life of our beloved Sovereign been attacked by armed ruffians; high treason had been committed in England; and an armed band, assisted by thousands of people and by 300 or 400 horsemen, which within the last few days had entered one of the largest towns in Wales, nearly sacking the town and burbing the workhouse; this armed banditti too was attended by that which frightened the noble Lord so much in Ireland, a band of music. In the peaceful principality of Wales, to which this bill was not to extend, a peace officer sent out to execute a legal process, was surrounded by a band armed with 105 guns and pistols. Would the right hon. Baronet allow an armed mob to pull down the gates, to enter the towns, to pull down the public buildings, to assault the peace officers, and to sneer at the magistrates, and would he not extend an Arms Bill to Wales? And what did the Welsh insurrectionists require? The Irish were blamed for their demands. The Welsh asked for a removal of turnpike-gates, an abolition of tithes, which meant of course, according to hon. Gentlemen opposite, the destruction of the religion of our ancestors; and then came

an alteration in the law regulating poor-rates; fourthly, an abolition of Church rates; and, last of all, what would make the hair of the Attorney-General for Ireland stand on end—an equitable adjustment of the landlord's rents. He was sure that in Ireland they would hear no more of "fixity of tenure," if they would only treat the tenantry in a proper manner, and improve the estates; but without any such want in Wales, there was a demand for equitable adjustment. He asked, then, whether it could be called justice to Ireland to give this bill to Ireland, and not extend it to England. The hon. Baronet concluded by moving, that it be an instruction to the committee to extend the provisions of the bill to the United Kingdom.

Lord *Eliot* referred the hon. Baronet for an answer to his inquiry, why this bill was confined to Ireland, to the speech of the noble Lord, the Member for London, who said, that in 1839, from inquiries he made, he was satisfied that an Arms Bill for Ireland was necessary. The hon. Baronet was in favour, apparently, of applying the same law to both countries; but till the hon. Baronet moved to get rid of the Party Processions Act, and the act allowing the presence of soldiers at elections, he (Lord *Eliot*) might be permitted to doubt the hon. Baronet's desire to make the uniformity complete, which he now seemed to advocate. The right hon. Baronet had quoted the returns of the number of convictions for particular offences in the two countries; but he had omitted all reference to the crimes unknown in England, such as the robbery of arms, the possession of arms, of assembling with arms, of administering unlawful oaths, of rescue, and of the refusal to aid the peace-officers in the execution of their duty. He had omitted to say, also, that the proportion of convictions in England to the committals for heavy offences was 50 per cent., whilst it was only 25 per cent. in Ireland. For the most serious offences there were in—

	ENGLAND.		IRELAND.	
	Committed.	Convicted.	Committed.	Convicted.
1839	46	13	286	32
1840	54	13	155	15
1841	66	20	120	18
1842	67	16	189	11



And of the total number of crimes committed with violence, the proportions between the two countries of the commitments to the convictions appeared to be as follows :—

	ENGLAND.		IRELAND.	
	Committed.	Convicted.	Committed.	Convicted.
1838	479	266	1380	689
1839	484	242	not given	not given
1840	461	248	3003	931
1841	565	286	2946	939
1842	466	238	3148	1141

With this difference between the two countries he thought that he had shown the proportion of crime in Ireland to be greater than in England. He would not weary the House by repeating the arguments he had used on a former night : but he must refer to the meeting of the magistrates of the King's County, where men of both sides attended, who declared that they approved of the Arms Bill, as calculated to check crime, and to be of advantage to the country. It must be recollected also, that in Ireland, bands of twenty, thirty, and forty armed men surrounded houses, fired upon the inhabitants, and did other acts of violence unknown in England. The hon. Baronet had referred to isolated cases in England ; and God forbid, if there did not exist in Ireland more cases than there were in England, that he should move for such a bill ; but in the state of Ireland for many years, her Majesty's Government would have neglected their duty if they had shrunk from proposing not any new measure, but a renewal of the Arms Bill of former Sessions.

Viscount *Palmerston* was anxious to take that opportunity of stating the grounds on which he had hitherto supported the bill they were about to consider in committee, and why he could not vote for the amendment of his hon. Friend. He felt, that in the present state of Ireland, it would neither be fair to her Majesty's Government, nor useful to the public service, to withhold from her Majesty's present advisers the powers calculated to maintain order and tranquillity in Ireland, which were possessed by the Government to which he himself had had the honour to belong. A measure of this kind to regulate the possession of arms by the people of Ireland, had been in force for a great many years.

The late Government thought it expedient to ask Parliament to continue a bill on this subject, at a time when that country was far more quiet and tranquil than it now was, and it would ill become those who had made this request, to refuse those powers to her Majesty's present Government, at a moment when it might be more necessary for the Government to possess them. He thought also, that if it were true, that there were persons in Ireland, endeavouring to excite the people to the resistance of the law, it would be better for the people themselves, that there should be a law regulating the possession of arms, rather than that the law should allow their free possession, and that a necessity should occur for the Government's wresting them from the people. Although, however, he was willing to give to her Majesty's present Government every power which was possessed by the last ; yet, if there were in this bill any new clauses, giving new powers, or adding any vexatious restrictions, he reserved to himself the full discretion of opposing those clauses, unless full and satisfactory reasons should be given for them ; and, as he was unwilling to give a larger bill, with reference to Ireland, so he was unwilling unnecessarily to extend it to England. He thought, however, that the Government and that House of Parliament would take a very narrow view, at the present moment, if they thought they should discharge their duties as the interests of this country and of Ireland require them to be discharged, by simply passing this Arms Bill. Great and extensive discontent prevailed in Ireland, it was the duty of that House to investigate the causes of that discontent, and to endeavour to remove them. He should be told, no doubt, by some hon. Gentleman opposite, that the chief cause of it was manifest—that the discontent was created by persons who endeavoured to excite the passions of the people, to a degree which threatened an absolute outbreak. He said, that that was not sufficient to account for what we saw. Agitators might inflame discontent, but it seldom happened that they created it. Agitation such as that which now existed, was never found unless with deeply-rooted feelings of injustice ; and although, without them, the exertions of agitators might produce a temporary and confined effect, yet that general discontent which now prevailed through the mass of the people of Ireland could not be called into action, unless the people had a deep sense of

the injustice of their existence. Then what were the grievances of which the people of Ireland complained? They must look for them in the first place in the expression given to their discontent. Some were within the power of Government and of Parliament to remedy; some, he feared, must be remedied by other means. They had been told that the Irish people had shown themselves ungrateful for past favours, and that concession to the Catholics had reached its utmost limit. He denied both of these propositions. If the word concession were to be used in its ordinary sense—if it were employed to convey the meaning that something had been given which the party to whom the boon was granted had no strict right to expect, and which the party by whom it was given was not bound by any requisition of duty to give—if it were intended to represent some act of grace, favour, or indulgence, he was prepared to say, that in none of those senses had any concession been made. They had granted to the Catholics of Ireland the remedy of a just grievance. They had removed from them a gross and intolerable injustice, under which they had suffered too long; but if they were to state an account as between the British Government and the Catholics of Ireland, he should be prepared to say, that so far from the British Government being entitled to reproach that body for their want of gratitude for benefits conferred, the Catholics of Ireland, on the contrary, had a better right to complain that the reparation for injustice had come too tardily, and was still imperfect. He denied, therefore, that the Irish Catholics could justly be reproached with ingratitude. It was not in their nature to be ungrateful, they were neither born, nor prone to it; they were more ready to think of kindness shown to them to-day, than of injustice or offence under which they suffered yesterday. Then what were the grievances of which the people of Ireland had just cause to complain? He would first deal with that which was not within the province of Parliament to remedy, but which was, nevertheless, a grievance which had been long endured by the Irish people, and which might be cured by the intervention of other persons. He alluded to that grievance which was expressed by the demand for fixity of tenure. He held that it would be unjust for Parliament to interfere in the arrangements between the landlord and tenant. To do so, would be to establish a principle of con-

fiscation—to interfere with the rights of property, the foundation of all human society—property which the poorest man by his own industry and exertions, might acquire, as well as the wealthy and powerful. But it was vain to deny, that in the last twenty years, the people of Ireland had had much to complain of in this respect. It was well known, that in former times, large farms—great tracts of—land were let upon leases of sixty-one years, or of three lives to one individual, who in turn, re-let the same land in smaller portions to others, who re-let it again to a third set, who again let to a fourth, and so on; and thus, in the course of years, the land became covered by multitudes of occupants, greater than was essential to the good cultivation of the soil, or greater than could obtain any insight into the science of agriculture. This was a class which had been greatly increased and augmented when the 40s. freeholders were in existence; but at last the landlords, feeling the inconvenience of the system, and not sufficiently reflecting on the injustice which they were inflicting on others—and, as he maintained, upon themselves also—when they found leases of this sort expiring, and found on their land great numbers of people born and bred there, who were exercising their industry in the narrow limits of some two or three acres of land, turned out by wholesale hundreds of families, retaining only that number which, in their theoretical and abstract imaginations, might be sufficient for the advantageous cultivation of the soil. This might be done in England without causing the same degree of suffering and misery. If they removed any portion of the population of England from its position, they would go to Manchester or Birmingham, or some of the great manufacturing districts of the kingdom, and they might at once find profitable occupation in our manufactures. In Ireland there were no great manufacturing towns. The people when turned out of their homes,—without the chance of obtaining a living—were driven to perish by the road side, or to eke out a miserable and lingering existence as squatters on the fringe of a bog, or in the outskirts of some neighbouring town. This was a great grievance. Cases had occurred where landlords had done this to a great extent, and had deliberately ejected good and sufficient and substantial Catholic tenants, in order to give their lands to Protestants, greatly misjudging the nature of the Irish people in thinking that it was necessary to



have an identity of religion, in order to establish that firm sense of regard and affection which was so desirable to be maintained between landlord and tenant. On what ground were these steps taken? It was said that people ate the produce of the land, and that the landlord could not obtain a fair rent from the land. He denied both these propositions, and he maintained that the people, by the close application of their labour to small portions of land, obtained a greater amount of subsistence from the earth than the best farmer could by the application of any system of agriculture. But even if it were that the landlord sustained some pecuniary loss, he would be amply repaid for the diminution in his profits by the cordial welcome with which he would be greeted on visiting those estates on which he had allowed the poorer tenants to remain. It was said, further, that these persons were not in reality the tenants of the land, that the tenants were the persons whose leases had expired, and that the landlords had a right to expel these persons, although bred and born on the land, because they possessed no right of tenantry. He hoped that the landlords would abstain from exercising that power which the law gave them, and that, by showing a little more consideration to the peasantry whom they found on their estates, they would seek to do away with that grievance which was expressed in the somewhat absurd term "fixity of tenure." That was a grievance, however, with which Parliament could not deal. He would now refer to a subject entirely within the power and authority of the Legislature—he meant that of the Church establishment. He, for one, was not prepared to concur in any measure which tended to overthrow and annihilate the Protestant Church as it was established in Ireland. Such a measure he should always oppose, to the best of his power. But every one felt—men on both sides of the House felt—that the Protestant Church establishment in Ireland had been raised beyond its proper and just position. The Government to which the right hon. Baronet and the noble Lord opposite (Sir James Graham and Lord Stanley) had belonged, had brought in a measure greatly reducing the emoluments and expenses of that establishment. He would not say whether that measure had been carried as far as might be advisable then or not, but the principle being admitted on both sides of the House, he maintained that the Govern-

ment was bound to take the matter into consideration, and if they found that the principle could be carried further without danger to the Protestant establishment, it was their duty to decide whether there were not still belonging to that Church some revenues which might be applied in aid of the interests of the people of Ireland, and to the appropriation of which to such a purpose no attached member of the Protestant Church could feel any religious objection. He said that this was a matter on which the Government were bound to bestow their attention. The burthen of the Church fell on the possessors of the land, who were chiefly Protestants; and if tithes were abolished wholly and immediately, it was obvious that that abolition would produce no benefit to the Catholic tenant—it might relieve the necessities of the Protestant landlord, but it would not tend to the advantage of the Catholic who held under him. The state of the Protestant Church in Ireland must be looked at in conjunction with that of the Catholic Church. Considering the great proportion of the population who were Catholics, it was a disgrace to the empire that the priesthood of so large a number of British subjects should remain so little cared for as the Catholic priesthood. This was an evil for which there might have been a remedy at the time when Catholic emancipation was carried; at that time provision might have been made by the State in aid of the Catholic priesthood, and it ought then to have been done. There might have been reasons, of which he was ignorant, which would have rendered the insisting on such a proposition fatal to the measure of Catholic emancipation. During the time her Majesty's late Government had been in office, such a proposition could not have been brought forward with any prospect of success. Every one must remember the anxious and energetic exertions which were made to secure the overthrow of the late Government, and there was no man who looked at the question in its fair light, who must not be persuaded that if they had brought forward such a measure, not only would it have failed, but they must have been prevented from taking other steps which had proved beneficial and advantageous to the empire. The difficulties which had existed when Catholic emancipation was carried now no longer presented themselves; the obstruction which the late Government would have met with in any proceedings upon this subject, would not now be opposed to a

measure of this nature, if proposed by the present Government. The Government, therefore, had it in their power to carry such a measure, and he sincerely trusted that they would not fail to take it into their earnest consideration. The objection raised to any pecuniary grant from the state to the Catholic priesthood was, that it would, directly or indirectly, appear to render them dependent on the Protestant executive powers. Whether there were any means by which this objection could be avoided he would not pretend to say; but there was another mode of providing for the Catholic priesthood, to which this objection could not possibly arise. There was a vast difference between the Catholic and Protestant ministers of religion. The Protestant either had pecuniary aid from the State, or he had a house and land in the shape of a glebe, on which he was able to live. If it was impossible to supply the Catholic priesthood with the direct means of support by pecuniary aid, why, he asked, should not means be taken to afford them the aid of a house and land? He should be told, perhaps, that if the Government undertook to supply glebe, however limited—say only to the extent of forty or fifty acres of land and a house to every parish in Ireland—an expenditure would be required which Parliament could not sanction. But, independently of Parliament, he ventured to say that in many parts of Ireland means might be found in the voluntary and spontaneous acts of individuals to secure such provision. If Parliament would pass a law to empower persons to assign to the Catholic priests of each parish a moderate quantity of land as glebe, he ventured to say that in many parts of Ireland such a law would be acted upon. He was acquainted with some cases in which, even as the law now stood, when every thing which was done must altogether depend upon the voluntary act of the landlord, such a mode of proceeding had been carried into effect, in which Protestant landlords had assigned to the Catholic priest of a parish a comfortable house and a few acres of land for his maintenance, and nothing could have answered better than this arrangement. It had secured a great degree of comfort to the priest, and had afforded the highest satisfaction to the people, who were gratified at seeing such a mark of respect paid to their spiritual pastor. He believed that by such an arrangement the priest was placed in a better and more independent position with regard to his flock—that he

was better able to discharge his religious duties and to exercise his religious functions, and that so far from his being placed in a position of irresponsibility as regarded his own spiritual superior, the authority of his superior was increased, because, in proportion as the priest was more or less comfortable in his parish, the less disposed would he be to incur the displeasure of his bishop, and run the risk of being removed to another district, where he could command fewer and less substantial comforts. He intreated the Government to take this subject into their consideration; for, surely, there could be no difficulty in procuring for a measure likely to be productive of so much practical good the sanction of both Houses of Parliament. Were there no other matters which required the attention of the Government, and in respect of which the people of Ireland might think that they suffered under hardship? They had given Parliamentary Reform to that country, it was true; but were the franchise and the practice of registration in conformity with that principle which was contemplated by those who proposed that Reform? When he looked at the returns laid before that House, and saw the small number of electors yearly dwindling away, he felt that he might see the time when the number of electors throughout the whole of Ireland should have fallen to an amount short of that of many of the borough towns of this country. This was a subject which required deliberate and immediate attention. Again, they had reformed the municipal corporations of Ireland; but was there nothing in that measure which required amendment? Undoubtedly there was; and without mentioning other matters of material importance, he maintained that these were subjects which it was the bounden duty of Parliament to take into consideration, and upon which it behoved the Government to introduce a measure satisfactory to the country. There was another grievance, and he believed that it was one which strongly operated upon the minds of the people of Ireland, to which it was more in the power of the Government to apply an effectual remedy. He believed that that which most excited the people of Ireland, was the existence of hon. Gentlemen opposite as the Government of this country. He believed that upon this subject there was no union of sentiment between the people of England and Ireland; for that while the people of England were deter-



mined to have a Tory administration, the people of Ireland would remain dissatisfied so long as such a Government should remain in existence. But even this, he thought he could show, was not altogether a hopeless case. He did not ask hon. Gentlemen opposite to retire from their places. Such an appeal, he believed, would be vain; and from the feeling which they had seen evinced in this country, he believed that even if hon. Gentlemen should yield to the appeal, they might very reasonably expect that they would be very shortly again required to resume the reins of Government. The time was not yet come when any party but that which now sat upon the benches opposite could, with advantage to the public, and with the general concurrence of the people of this country, administer the affairs of this country, and he admitted that, although as things were now going on, the growing dissatisfaction amongst the friends of the Government, and that increasing want of contentment with its measures amongst its opponents, which was occasionally exhibited, it might be taken that certain indications existed that the days of the present administration were finite, he would not say numbered—as yet it was not probable that any change could be effected in the Government of this country. Such a change, however, would take place, though not this year; but it was this year that Ireland was subjected to great evils, and it was in this year and in this session, that he wished to see her grievances remedied. He did not think that the people of Ireland had any personal dislike to hon. Gentlemen who sat on the other side of the House. It was not to the men who governed in Downing-street that the people of Ireland objected. Those to whom they objected were the men who governed in the Castle in Dublin; not the men sent over from this country nominally to administer the affairs in Ireland, but those who ruled over and governed them—men who, belonging as they did to the ministry of that country, had been known for years to be hostile, conscientiously and zealously, but perseveringly hostile to the rights of the great majority of the people of Ireland—men in whom the people of Ireland could not place confidence, and under whose sway they never could be content. He should be told, perhaps, that this was irremediable so long as a Tory Government existed; he should be told, perhaps, as the House had been already told by the right hon. Gen-

tleman the Member for the Dublin University (Mr. Shaw), that the Government would lose the confidence of their friends by not sufficiently affording all their favour and patronage to those persons who gave them their support. He listened to no such argument. He had no doubt that every one of the persons to whom allusion was thus made would cheerfully and readily give up his time to the service and good of his country; but he called on them for a far less sacrifice than this—he asked them to give up for the interest and welfare of the country nothing but their own political advancement. Surely high-minded men like these would not object to give up to their friends and the Government, that which they could not retain without producing great danger and inconvenience to the public service. But was it necessary that the Government should confine themselves to the selection of men of their own party in Ireland—he meant men of the party connected with the Protestant ascendancy? Surely it was not; and when a vacancy occurred on the bench—when a legal adviser was wanted at the Castle, no man should persuade him that there were not in Ireland men learned in the law, high in public estimation, and possessed of all the qualities fitting them for such situations, neutral between the two political parties of the empire, who might receive the appointments. He did not ask the Government to go to their antagonists to seek for men to hold situations of trust and confidence; but surely there must be men in Ireland, not committed to extreme opinions, and who were in other respects well fitted for the offices to which he alluded. Surely it was not necessary to give the appointments to such men as Mr. Sergeant Jackson or Mr. Lefroy, who, however estimable in their private character—however they might deserve the respect of their fellow-citizens as individuals, were, he maintained, disqualified for the situations which they held by the active part they had taken in politics in Ireland. No doubt the late Government had offered a high judicial situation to Mr. O'Connell, who had been as active on one side as the learned persons to whom he had alluded had been on the other. But his answer to this observation was this, that the hon. and learned Gentleman had occupied a prominent position on that side on which the great majority of the people of Ireland sympathised. The other individuals mentioned belonged to a party, small in its amount, and against

which all the sympathies of the Irish people were raised; and although their appointment was liable to objection, as being distasteful and revolting to the Irish people, that of Mr. O'Connell, if it had taken place, would not have been open to the same objection. Perhaps he should be told, however, that what he proposed could not be done, that men could not be found free from party bias. But if he was to be told that there were no men of eminence in Ireland qualified by their attainments to fill such situations, who did not form one of the small party interested in Protestant ascendancy, whose feelings towards the Government were such as to render it possible to give them any appointments—if it was shown that the whole nation was so opposed to the Government as this—then he maintained that it became a very serious question, whether a party which had placed themselves in a situation so much in opposition to the wishes of a large portion of this empire, should continue to administer the affairs of the United Kingdom. These, then, were the grievances and the topics to which he desired the attention of the Government to be directed. He could not believe it possible that the Government could close the present Session and dismiss hon. Gentlemen to their homes, leaving Ireland in the state in which it was now placed—passing no measure for the relief of its grievances, and thinking that they sufficiently performed their duty by giving this Arms Bill to Ireland, and by introducing and then withdrawing some other measures of minor importance. It was a duty which the Government owed to their sovereign and the country to take the present agitated state of Ireland into their most serious consideration, and to propose to that House before the Session closed, and in time to pass them through both Houses of Parliament, measures calculated to secure the tranquillity of Ireland. No doubt he should be told by some hon. Gentlemen opposite that they thought so too, and that the Government ought to propose measures of coercion. He agreed in principle with them—he agreed with those who sent letters to the Government, and who answered those letters, that measures of coercion were necessary for Ireland in the present state of that country; but he, perhaps, took a different view of the character of the measures which he so designated. The measures of coercion which he thought the Government ought to introduce, were measures calculated to compel the Irish

nation to believe that the Government of the United Kingdom meant to treat them with justice and kindness—the measures of coercion which he asked them to propose were measures calculated to force the Irish people to look with confidence and good will towards the Imperial Parliament—the measures of coercion which he desired to see introduced were measures calculated to disarm agitators, and to wrest from them those weapons by which they were now endeavouring to accomplish their disorganizing propositions. If the Government would bring in such measures of coercion as these, they might depend upon it that no others would be requisite. It was the duty of the Government not to allow the two Houses of Parliament to continue sitting many days longer without announcing their intention to take into their serious consideration the present melancholy state of Ireland—not with a view of proposing measures of coercion, such as hon. Gentlemen opposite would approve of, or measures such as those pointed out by persons whose letters they had recently seen published in the papers; but measures calculated to win and to secure the real affections of the Irish people. The noble Lord the Member for North Lancashire had told the House the other evening, in discussing a bill on the subject of Canada, that it was not worth while that this country should maintain the connexion which now existed between Canada and England, if it was to be maintained by the sword and not by the affections and good feeling of the people. Was not a proposition which was true in respect of a colony, situated at the other side of the wide Atlantic, and numbering some hundreds of thousands of inhabitants, equally true in respect of Ireland, whose shores nearly adjoined our own, and whose inhabitants amounted to millions? He maintained that it was, and he called on the Government to carry their own principles into practice. He asked not for any answer to these observations. He had rather that the Government gave him no answer then, because his wish was, that these questions might be maturely considered. Unless that was the case their answer would do no good, and of the inutilty of haste they had an unfortunate instance only a few nights ago, when the right hon. Baronet (Sir J. Graham) used some expressions, which, from long and intimate acquaintance with the right hon. Baronet, he was sure did not indicate the right hon. Baronet's deliberate opinion. He did



not desire that any observations of his should be reserved for future answers; but he begged of the Government that they would not say at once that they intended to take no new measures, but he entreated them that they would at the earliest opportunity announce to the House what course they really intended to pursue, in order to relieve the people of Ireland from the state in which they now were. He hoped that the Government would not tell the House that they were prepared to trust to the chapter of accidents, and would not content themselves with expressing an anticipation that during the autumn things would take a different turn; for he begged to tell them that if they did so, and that if things did take a different turn, it would be in a direction which they would all most deeply deplore; that if any great calamity should happen, which every one would most sincerely deprecate, they would incur a deep and heavy responsibility, and they would lay themselves open to the just accusation of violating the duty which they owed to their Sovereign and their country.

Sir R. Peel: I regret, Sir, that the noble Lord should have taken a course which imposes upon me the necessity of interrupting the progress of the bill at present under consideration, upon which, I think, after what has passed, her Majesty's Government and the House generally had a fair right to calculate. We have now been occupied six nights upon the preliminary discussion before entering into committee; and the noble Lord, without notice, upon the motion of the hon. Baronet, which he does not intend to support, enters to-night into a general discussion with respect to the policy to be pursued in Ireland. Sir, I shall first notice that part of the noble Lord's speech which towards its conclusion, had reference to the executive Government in connexion with the affairs of Ireland. The noble Lord made this candid admission, that supposing her Majesty's Government were to take the advice which he did not presume to offer and voluntarily relinquish their situations, such was the popular distrust of the probable successors of the present Government, so great would be the apprehension of a restoration to power of the noble Lord and his late colleagues in office, that the people of every part of the British empire, excepting Ireland would compel the present Government, notwithstanding their voluntary retire-

ment, to return to the councils of their Sovereign. The noble Lord is an impartial and disinterested witness as to what the people of England think of himself and his policy, and to such unexceptionable testimony I have nothing to say but that I cordially concur in it. With respect to Ireland, the noble Lord says that a very different opinion prevails there; that it is one of the grievances of the Irish people, which we have the power, but he fears not the will, to redress, that a Government should exist at all holding our principles; and the noble Lord says, our voluntary renunciation of office would give to the people of Ireland universal satisfaction. I doubt that if the noble Lord is to return to power; because I find in a very recent declaration of opinion by him who must be considered the organ of that party—which is now pursuing a course of agitation in Ireland—notwithstanding the indignation expressed with the present Government—yet, even there, in Ireland, with the most violent party in Ireland, I find a most decided and marked preference of the present to the preceding Government. In Ireland, where there might be irritation in consequence of the acts of the present Government, where the sense of immediate and recent supposed injury might tend to inflame those who suffer from it, even there, notwithstanding the recency of the cause of complaint, I found the Gentleman to whom I have referred stating distinctly, that ill as he thinks of the Lord Chancellor of Ireland, yet he infinitely prefers his course to that which was adopted by the late Lord-lieutenant of Ireland. He says, it is true that Lord Chancellor Sugden has inflicted injury upon us, but, at any rate, the blow struck by him has been struck by a manly and direct foe; but if the late Lord-lieutenant of Ireland, Lord Fortescue, did not strike a direct blow at the advocates for repeal, he attempted to corrupt the youth of Ireland by withholding from them a participation in the patronage of office. Lord Chancellor Sugden, he said, was to be preferred to the late Lord-lieutenant of Ireland, inasmuch as an open enemy was to be preferred to an hypocritical and malignant professed friend. The noble Lord says, the people of Ireland are peculiarly apt to retain a lively recollection of benefits conferred, though smarting under the sense of present injury; but their gratitude for past benefits overpowers the

sense of present wrong. I do not say whether that is a just compliment to pay to the Irish people, but giving to them full credit for the thankfulness of their feelings, what must be their sentiments with regard to the noble Lord, his Government, and their representatives in Ireland, when that generous people, so apt to forgive all injuries, yet have an utter oblivion of all benefits received from the late Administration, and boldly prefer the present Government to that of which the noble Lord was a Member? But, Sir, I return to more serious affairs. Not at all disturbed, not influenced by what may be passing at the present moment in Ireland, I repeat now, what I have had occasion to declare before, that my firm conviction is the Government of Ireland ought to be conducted in a spirit of moderation and of forbearance—of perfect justice and impartiality. Sir, I take no credit for the expression of a sentiment of that nature, because it is nothing but a fulfilment of a solemn obligation and the concession of an absolute right—to administer the executive government at least in the spirit of perfect justice and impartiality. The noble Lord says there is a total want of confidence, not in the leading Members of the Government, but in those inferior and subordinate authorities who, in point of fact, conduct the administration of Irish affairs. There, again, I say, is a candid and honourable admission on the part of the noble Lord. The noble Lord says that the people of Ireland have no personal objections to those who hold the highest and most prominent offices, they are not impressed with a belief, whatever may have been the variance of their political opinions in former times, that it would warp them in the administration of justice and exercising the other functions of the executive. But he says there are certain subordinate authorities that control the chief. Now, I entirely deny that assertion. I admit that it is not sufficient that you should profess to govern Ireland in a spirit of justice and impartiality, and I admit that the personal character of those who administer the government is of importance in such a country as Ireland. As I stated before, when out of office, so there is nothing in the circumstances of Ireland which will prevent me from repeating now,—I do admit that it is of importance, for the satisfaction of the people of that country, that those administering the executive

functions of Government should by their personal character for moderation in political opinions, possess as much of general confidence as amidst the heat and conflict of opinions in this country any one could expect them to have. And on what principles was the Government formed? I take the noble Earl at the head of the Government in Ireland; the appointment of the Lord De Grey as Lord-lieutenant was received with very general satisfaction. There was an admission on the part of Gentlemen opposite that no better selection could have been made. My noble Friend uniformly voted for the removal of Roman Catholic disabilities, and, so far as the personal character of any man could give an assurance of moderation and impartiality in the carrying on of a government, the public character of Lord De Grey gave that assurance. Whom did the Government recommend for the office of chief secretary? They recommended my noble Friend—whose whole course had been marked by a disposition to act upon a conciliatory policy towards Ireland. Has my noble Friend taken any step which can disentitle him to confidence in his justice and impartiality? I know how difficult it is to act upon any principle which may ultimately be consistent with public interest, and with that which a man believes to be right, either in England, or Ireland, without subjecting himself to imputations which the noble Lord has cast on the present Government, and incurring the dissatisfaction of friends as well as foes. I believe that no Government can act on that principle without being liable to the party censure of hon. Gentlemen opposite. But I must say, whatever comments may have been made upon my noble Friend, that the confidence which Government reposed in him on his first appointment has been confirmed by the course he has subsequently pursued. The next appointment was that of the Lord Chancellor. Lord Chancellor Sugden gained at any rate the good opinion of the bar of Ireland; and I believe his restoration to the office of Lord Chancellor was hailed with satisfaction by the bar of Ireland, which looked upon his appointment as the best that could have been made. So far as professional attainments and moderation of political opinions were concerned no better appointment could have been made; and in that I am confirmed by the opinion of the late Attorney-general for Ireland.



I have now named the three chief officers for Ireland, the Lord-lieutenant, the Chief Secretary, and the Lord Chancellor. I will refer to a fourth appointment,—that of adviser to the Castle, Mr. Lucas. What course has Mr. Lucas taken in Parliament which disintituled him to the confidence of Irishmen, to whatever party they belonged? I believe no one ever paid more attention to the local affairs of Ireland, no one could be more conciliatory in his general demeanour, or better qualified for the duties of the office he has to discharge. I admit that the offices of Attorney and Solicitor-general are important offices—have those who now fill them been remarkable for violent or extreme opinions? But the noble Lord supposes that the chief authorities in Ireland are controlled by those in subordinate stations in the castle of Dublin, I believe that the subordinate authorities in Dublin are honourable men,—men as much entitled to public confidence as those who fill the principal offices; and that they had even attempted it, they would not have succeeded in exercising—any pernicious influence upon those who occupy higher official situations. Then, as to the appointments of Mr. Serjeant Jackson and Mr. Lefroy. I ask, are there others whose professional eminence entitled them to the appointments which had been conferred upon those gentlemen? I much doubt if, when Sir E. Sugden was appointed Lord Chancellor of Ireland in 1834, some of those individuals who were most opposed to the Government of that day did not imagine that Mr. Lefroy, from his professional eminence, was fully entitled to be appointed to that important post, and if they did not argue that gross injustice had been committed by his exclusion from that office. I believe that those two judges are most honourable men, and that their appointments are in every respect justifiable. This House has had an opportunity of hearing their sentiments, and of judging whether they are actuated by a hostile spirit towards any class of her Majesty's subjects. What has been the testimony borne to the justice of those appointments by an hon. Gentleman opposite, who is strongly opposed to the Government—a Gentleman whom I consider a much better authority on the subject than the noble Lord? The hon. Member for the city of Limerick stated that he could not

concur with his hon. Friends in reprobating those appointments; that the only ground of complaint which he had to prefer against those judges was, that they had administered the law with too much lenity; and I think the case to which the hon. Gentleman referred, when he spoke of the moderation and indulgence which they had exhibited towards certain parties charged with crime, occurred in administering of the law under the existing Arms Act. The hon. Gentleman stated generally that he thought, if any exception could be taken to the conduct of those two learned judges, it was that they had erred on the side of humanity and indulgence. I have stated the principles by which I think the Executive ought to be influenced; I have referred to the personal character and the political conduct of those who have been appointed to power; and I leave the House to judge whether the insinuations thrown out by the noble Lord, whether the charges made against the Irish Government on account of the personal character or the acts of those individuals who constitute that Government, are founded in justice. If we have done anything that is fairly questionable, why have not the acts to which exception is taken been brought under the cognizance of this House? During the whole of the last Session was any one question raised with respect to the improper exercise of power by any of the authorities in Ireland? And is it probable that, if such power had been unduly or improperly exercised, a Session could have passed—when there are such severe scrutinizers of the acts of the Irish Government—without a single question being raised as to any improper act on the part of that Government? During the present excitement which prevails in Ireland, what act of the Irish Government has been called in question? I appeal to your silence, and to the absence of all crimination, whether or no the Irish Government have committed any act, or pursued any course of conduct, justly rendering it liable to censure or condemnation? Then, with respect to legislation. The noble Lord first referred to what he called that absurd and nonsensical proposal for fixity of tenure. So far as I understand the subject, the two great benefits which are expected to result from the repeal of the union are—first, what is called fixity of tenure; and secondly, the absolute abolition of the Protestant estab-

ishment in Ireland. These are, I believe, the two great advantages which are anticipated from the repeal of the legislative union. What says the noble Lord with respect to the first of these points? He says he considers it utterly impossible for Parliament to apply any legislative remedy. He thinks it most important for the security of property, that its administration, consistently with the law, should be left to the discretion of the individual possessors; and he conceives that any attempt on the part of Parliament to fetter the power of any individual with respect to the administration of his property would far exceed the proper limit of legislation. The noble Lord is prepared, therefore, to resist any attempt to exercise legislative control over the acts of the landlords. I must say, that I do not materially differ from the noble Lord in my opinion as to the course which has been pursued by some landlords in Ireland. This is a question of morals, rather than of legislation. It is a question whether you ought not rather to trust to the discretion, the humanity, the forbearance, and the sense of right on the part of those who have power, and who are possessed of property, than to attempt to control their discretion by legislative enactments. I have said before, and I repeat it now, that I do think the indiscriminate and inconsiderate expulsion of tenantry, without any arrangement for their comfort and subsistence, though it may be legal, must be accompanied with great suffering to individuals, and is a course which I, for one, cannot defend. I think it is for the interest of those who possess landed property in Ireland maturely to consider the position of those who, by the violent and hasty exercise of power, are dispossessed of the holdings which they have occupied, and are thrown upon the world without the means of subsistence. No pecuniary advantages can be derived from schemes for the improvement of estates, which will at all counterbalance the danger which must arise from such a harsh and inconsiderate exercise of power. If it is right for one individual to act upon this principle, others are equally entitled to act upon it; and if it were acted upon simultaneously the consequences must be pregnant with danger to the public tranquility. No individual has a right to presume that his will be an isolated case,—that others will not follow his example,—that he may

safely venture to dispossess the 100 or 200 persons who are holders upon his estate, and that this act will not seriously endanger the public peace. He ought to consider that others, have an equal right to act upon the principle which he adopts, and that such a course may lead to most dangerous consequences; and he ought also to consider that, if property is not endangered by actual spoliation, the expense of maintaining public tranquility, and the disturbance of the relations between landlord and tenant, will more than counterbalance any immediate gain which may result from the improved cultivation of the land. No doubt, there are cases in which it is absolutely necessary to employ the authority of the law to prevent the unjust possession of property which is held without the payment of rent. Great obstruction to improvement may arise from acquiescing in the continued possession of land by an indolent tenant, who refuses to attempt the improvement of the property, and who holds it against the will of the landlord. Continued permission to tenants of this description to occupy land, must constitute a serious obstacle to improvement. But it is possible to combine the foundation of future improvement with an indulgent consideration of the circumstances of individual cases. This is, as I have before said, rather a question of morals than of law; and the conduct of the parties to whom I have referred, will probably be influenced by a general expression of that opinion, which exercises control when law fails to control. I believe that, generally speaking, the wish of the landlords in Ireland is to reconcile the permanent improvement of property, the vindication of the law, and the assertion of every just right on the part of the landlord, with a merciful consideration of the circumstances of the tenant. Individual cases of hardship have brought unjust discredit upon many who are not at all disposed to sanction the inconsiderate exercise of power; and I entertain the confident hope, that the landlords of Ireland will be actuated by the same principles which influenced landlords in other parts of the country, and that when they deem it necessary to reclaim property, they will not forget the just rights of the tenantry. Most extensive improvements have been effected in Scotland; and in that country individuals entertaining most comprehensive views, and of great liberality, have



had to deal with the very evil to which I have been alluding. In consequence of the grievous injury sustained from the holding of land by an indolent tenantry, they have been compelled to face the evil and to make provision for a different arrangement of their property. But in this case, the two apparently conflicting rights have been reconciled,—the means of permanent improvement have been provided, and yet ample justice has been done to the tenantry. The noble Lord has referred to the Established Church of Ireland, and has declared his determination to support that establishment; I am glad to hear that declaration from the noble Lord. My firm belief is, that the destruction of the Established Church in Ireland would be fatal to the prosperity of the country. I believe, also, that you will gain nothing by concession. [Mr. Ward, “hear, hear.”] The hon. Gentleman will have the opportunity of stating his views on this subject on a future occasion, for I believe he has given notice of a motion for the extinction of the Irish Church; and when that subject is brought under the consideration of the House the noble Lord will have an opportunity of acting upon the principles which he has professed. I have no wish to anticipate the discussion which will arise upon the motion of the hon. Gentleman; but I am convinced that any partial concession of the revenues of the Irish Church will not only fail to be satisfactory, but that its only effect will be to weaken the foundations of that Church. The noble Lord also professed his determination to maintain to the utmost of his power the legislative union between the two countries. I wish that a more marked and decided determination had been expressed on the part of some hon. Gentlemen opposite with respect to the maintenance of the legislative union. This House has declared its almost unanimous opinion that, after the maintenance of the legislative union for upwards of forty years, it is utterly impossible to replace matters as they existed before the union; and that the repeal of the legislative union would be synonymous with the dismemberment of the empire. I hope that there will be, on the part of all those who are interested in the maintenance of tranquillity in Ireland, who are anxious for the existence of increased concord between the two countries, who are desirous to maintain the glory and the power of this

empire, a unanimous determination to support the executive Government in the maintenance of the legislative union. I do hope that the Roman Catholic body will well consider the position which they now occupy. Every civil disability which affected them has been removed; there is a perfect equality in point of civil rights between them and their Protestant fellow-subjects. Why should we enter, as was done by the noble Lord, into a consideration of the long conflict which preceded the grant of emancipation? The grant has been complete. There is now perfect equality of civil privileges between the Roman Catholic and the Protestant in all parts of the empire. I must say that there has been, on the part of the Imperial Parliament, a strong disposition to consider attentively the peculiar circumstances of Ireland, and to legislate for that country, I will not say with undue, but at least with considerable forbearance. When a great financial effort was made last year, you imposed the income-tax upon every other part of the united kingdom except Ireland. From that tax Ireland is exempt. Then what is the case with respect to the assessed taxes? They are applied to every part of these kingdoms except Ireland. When any question affecting Ireland comes under the consideration of this House, the predominant feeling, I will venture to say, so far from being one of prejudice or hostility to that country, is a disposition of liberality—a disposition to relieve. But you (the Opposition) point to this bill, and say it is an insult to Ireland. I am Irishman enough to feel indignant at the identification of Ireland with the miscreants against whose nefarious projects this bill was originally intended to provide. But, unfortunately, a considerable degree of excitement now prevails in Ireland, and when we propose this measure, you say, “Here is an Arms Bill, the only measure you bring forward for Ireland.” When I recollect that you acquiesced in the renewal of this bill in 1838 and 1840, I certainly feel some surprise at your present objection to it. If you argue that justice to Ireland requires that there shall be no distinction in legislation between England and Ireland, how came you to support the same bill in 1838 and 1840? If the principle for which you contend, that there ought to be entire uniformity of legislation for England and Ireland, without any reference to the peculiar circumstances of

Ireland, be just, your conduct in 1838 and 1840, in admitting this exclusive legislation for Ireland, was quite as exceptionable as is the course we are now adopting. If you admitted in 1838 that such was the nature of the crimes then committed, not by the Irish people, but by miscreants who associated to commit murders, robberies of arms, and other offences,—that you had sufficient reasons for introducing an arms act, how can you consistently oppose the present measure? There may, I admit, be some difference in the details of the two measures, but they can be fully considered in committee. I have endeavoured to confine myself to a reply to the noble Lord's observations as to the conduct of the executive Government; and I hope, considering that this is the 7th night on which we have discussed this question, we shall be permitted to proceed with the temperate consideration of the details of the bill. I trust, above all, that no conflict of opinion in this House will induce any hon. Gentlemen to lend their aid to that agitation which is now disturbing the peace of Ireland. There is no one object (opposed as I was to grant the Roman Catholic claims) for which any public man has laboured more anxiously than I have, to remove the animosity between Protestants and Roman Catholics; and connected as I have been with most of the events in that country, I must own I have found on the part of many friends of mine, holding strong opinions, a sincere desire to co-operate with me in that object. How has Parliament dealt with the Protestants? It has passed a law to prevent the annual procession in commemoration of the landing of King William. It has prohibited party flags and banners, and done all in its power to remove every thing that could wound the feelings of the Catholics. When Parliament passed that law, it was an indication of their sincere desire to promote religious peace in Ireland. That law is still on the statute book, and I venture to say, that the Government has done its utmost to promote its object. I want them now to see the same intention on the part of the Legislature and the Government, without reference to party conflicts, to discourage the agitation which prevails in Ireland. I want the influence of hon. Gentlemen opposite, and to see them come forward and declare their determination to maintain the legislative union be-

tween the two countries. After having given the subject every consideration, I avow, on my own part and that of the Government, that we see no security whatever for the continued eminence of this country among the powers of Europe, except in the maintenance of the legislative union. I do hope, therefore, that men of all opinions and all creeds, duly considering what the effect will be of the severance of that union—duly considering what has been the expressed opinion of Parliament—duly considering what has been the declared opinions of every public man, of every party, after mature deliberation of the consequences of the Repeal of the Union, will enable us confidently to rely, that the prevailing opinion in the present House of Commons, is in conformity with the opinion so solemnly expressed in 1834 by its predecessor; and that whatever opinion may be entertained of particular acts of Legislature, men of all parties will, as well by speeches as by acts, avow their determination to rescue Ireland from the miseries which must be inflicted upon it, were that insane project to succeed, and to rescue the united empire from the degradation which would follow from the vain attempt to have two independent legislative authorities, if they are to be independent, acting in concert under one executive.

Lord *Seymour* was glad to hear from the right hon. Baronet the terms which he had used upon this subject, and that might be regarded as evincing a disposition to concede some measures of conciliation and concession; but measures of such a nature were required, and not the mere expression of an inclination to employ them. It was, he confessed, with very great regret, that he had heard the speech, the other night, of the right hon. Baronet, the Secretary of State for the Home Department. He thought, that the right hon. Baronet should have avoided using such expressions; for the right hon. Baronet, it might well be supposed, had enough of religious questions on his hands; he had religious questions in England, and in Scotland, and he ought not to seek for religious strife in Ireland. He regretted much, too, that the same right hon. Baronet had said, that conciliation could go no further. Such an expression should not have been used without the person who gave utterance had weighed well the consequences that might flow from it. It



was true, that this was but a phrase in a speech; but then they ought to have considered the effect that it was likely to produce in Ireland. The phrase was but that of an individual; but the responsibility of the sentiment fell upon the Ministry; and he thought, considering the differences that prevailed amongst them, that the words ought to be branded as well as the arms of this united Government. He used to hear it said, that the late Government was a "reckless and dangerous Government." He remembered to have heard the right hon. Baronet thank his God, that they had got rid of a reckless and dangerous Government; but now they found, that "the reckless and dangerous Government" was that on which it was said all the measures of the present administration were moulded. He remembered to have heard the right hon. Baronet opposite declare, that "Ireland was his great difficulty;" but what had the right hon. Gentleman done for Ireland? What measures had he proposed to remedy the grievances of Ireland? Was it a fitting remedy, this miserable measure for branding gun barrels and granting licenses? The difficulties of Ireland appeared to be increasing on the Government; but then it was to be remembered, that the difficulties were very much of their own creation. In the attacks made upon the late Government, it was said, that Mr. O'Connell was their master; but as to the present Government, they were really by their own conduct making Mr. O'Connell their master in good earnest, and he was sorry to say, that they were raising that man to such a position as was not consistent with the honour and due authority of the Sovereign, nor with the security and tranquillity of her dominions.

Mr. *Shaw* did not rise so much for the purpose of answering the speech of the noble Lord, as of stating why he and his hon. Friends who sat around him had abstained from speaking during that and the last three nights' debate on the bill then before them, although frequently provoked to do so by attacks on their Friends, on the resident gentry, and the church in Ireland. They regarded the whole of the last four nights' debate as irregular—got up for the purpose of obstruction, and in pursuance of a threat openly made by the Irish Members opposite, that they would resort to every means for delaying and impeding the progress of

the bill which the forms of the House afforded. It was but assisting in that vexatious policy for hon. Members at his side of the House to answer the speeches of hon. Members opposite. He was of opinion that the importance of the measure had been greatly exaggerated. It was on the one hand absurd to talk of this as a coercion bill, calculated or intended to meet the dangerous excitement at that time prevailing in Ireland; on the other, he thought an undue importance had been attached to the new clauses, as they were termed. He regarded the bill as little more in substance than a renewal of the existing law respecting arms, which had been in operation for the last fifty years in Ireland—and which it would be very unwise under the present circumstances of Ireland to discontinue. He was further ready to support the additional clauses, if the Government upon their responsibility, and from the official information, which they exclusively had access to, said that they were necessary; but he wished it to be understood, that they had not been introduced at the instance of those with whom he was generally in the habit of acting. The noble Lord the Member for Tiverton had not stated correctly what he (Mr. Shaw) had said upon a former occasion. He had not complained, as the noble Lord represented, that the Government had not concentrated their patronage upon what the noble Lord called the Protestant ascendancy party in Ireland. What he had said, was—that the great and influential majority of the Conservative party in Ireland, agreeing as they did in the sentiments that night expressed by his right hon. Friend the First Lord of the Treasury, that the principles upon which the Government of Ireland shall be conducted were those of forbearance and moderation, combined with firmness—of perfect impartiality in the administration of the laws, and no civil distinction on the ground of religious opinions—concurring, he said, in the policy upon which the Government professed to act, the Irish Conservative party felt that they should have been met by that Government with confidence, whereas there was a general impression amongst them that they had been treated with some degree of jealousy and distrust—not from any ill will towards them on the part of the Government, but from the Government wanting the courage to be just and to act uprightly, without

reference to the unjust and unfounded charges to the contrary which might be brought against them by their opponents. He had added—that there certainly was a general opinion among all parties in Ireland—that there was an absence of that vigour and firmness, and independent power of action in the executive Government of Ireland, which were indispensable for grappling with the difficulties and dangers which the present condition of that country presented. He must, before he sat down, say a word upon the attacks made in the course of the debate on Irish landlords and the Irish church. The Irish landlord had difficulties to contend with, arising out of the social condition of the Irish people, and the minute subdivision of land in the country of which English gentlemen were little aware. What had been denounced as the clearance of estates was sometimes necessary, not more for the advantage of the public than for the interest of the poor and over-crowded occupiers themselves; and, after all, theirs and the landlords' interest, in a sound and enlarged view, must always be identical—Upon full and impartial inquiry it would be found that the general rule was a humane and kind consideration of the claims of the tenants upon their landlord, and that when it became necessary to remove any portion of them, they were either provided with residences elsewhere, or the pecuniary means to procure them for themselves. As regarded the Irish church, since the rent-charge act had transferred the payment from the occupier to the landlord, the people had not uttered a complaint against it, and it had almost ceased to be even referred to by the agitators in Ireland—and he (Mr. Shaw) charged Gentlemen on the opposite side with the attempt—by reviving the subject now—to embitter, by greater religious animosity, the war against property and the law, to which the political agitators were then exciting the deluded masses in Ireland—but the hon. and learned Members for Bath and Liskeard, (Mr. Roebuck and Mr. Buller), and those who spoke of the destruction of the Protestant church in Ireland, as a matter easy of accomplishment, seemed altogether, in their blind attachment to Radicalism and free-thinking institutions, to overlook the fact that there was a party in Ireland whose every feeling of attachment and security was interwoven with the existence of the

Irish Protestant church. A party, too, let him say, not contemptible in numbers, and powerful in property, intelligence, character, influence, and determination—a party, which, if the emergency arose, would be found prepared to spend their properties and their lives in defence of that church. Let not the advocates of the Legislative Union in this country, who contended, and he thought, contended justly, that even the terrible alternative of a civil war, would be preferable to its repeal—suppose that they can safely trifle with the devoted feelings of the Irish Protestants to their church establishment; for depend upon it, they regarded the Union and the Irish church as integral parts of one system, and that they must stand or fall together.

Mr. *M. J. O'Connell* observed, that though some speeches might be made for delay, it could not be denied that they had great encouragement to continue to deliver them, for the effect of those speeches had been the removal of some of the most stringent clauses of the bill. The object for which they had been engaged in debate on this bill really was discussion. There had been no motion made for the purposes of delay. Then he begged to ask to what did the answer amount which the right hon. Baronet at the head of the Government had made to the noble Lord the Member for Tiverton? What did the right hon. Baronet say, with regard to the present position of the established church and of the Roman Catholic clergy. Upon this important question the right hon. Baronet had made no answer at all. After the speech of the noble Lord, he did expect the right hon. Baronet to have said, at least, that he would take into his consideration the condition of that church, in order that it might be placed in a better position, both as regarded the Roman Catholics in Ireland, ay, and in the estimation, too, of the Protestants of England. Public opinion was beginning to manifest itself in various quarters as to the anomalous position of that establishment; and the speech of the learned Recorder for Dublin proved the alarm of those who were for maintaining those abuses of the established church which had lately been so much decried. People were beginning to think, and ask, what was the use of a Protestant establishment on such a scale of magnificence in Ireland, for a small body of the people.



The right hon. Baronet had given no practical answer on that subject. The noble Lord the Member for Tiverton had thrown out a suggestion, not for the payment of the Catholic Clergy, but one for enabling those disposed to provide facilities for the support of the clergy of the Catholic church. The suggestion was one of a practical nature. The noble Lord, as a proprietor in Ireland, had carried it out on his own property; and he was happy to say, as an Irish Member, that others who belonged to the late Government had acted on the same principle. For instance, the Marquis of Lansdowne had so acted in Kerry, and this with great advantage to the condition of the people both as regarded their morality and religion. Then there was the law of landlord and tenant. He allowed that it was a subject beset with difficulties; but then its difficulties were not to be got rid of, nor its embarrassment put an end to, by the utterance of a few fine phrases. The people of Ireland did not want sentiments—they required acts. No one could deny that the hands of the landlords had been too much strengthened in Ireland; and this, he was sorry to say, by acts which had been passed by an Irish Parliament. The phrase that he used on this subject had been employed within the last few months by one whose authority those opposite would not be disposed to deny, namely, Chief Justice Pennefather. When, then, they saw the hands of the landlords strengthened against the tenantry, was it unreasonable in the Irish people to ask of them to take some step in the contrary direction? He might be told that they ought to discourage agitation in Ireland; yet he said this, that if the right hon. Baronet expected to see agitation subside, he must not let this session close without holding out the hope to the people of Ireland of some practical general measure for the amendment of the existing laws. The right hon. Baronet might talk to them of their duties as Irishmen; but if nothing were done by the Government to give alleviation, or to afford relief, the right hon. Baronet could expect to see only an addition to those who had no other hope than in looking to that ultimate resort which the right hon. Gentleman himself had so strongly condemned.

Colonel *Verner* said, the question before the House—the question to which hon. Gentlemen had addressed themselves, was

not a mere question of an Arms Bill—it was a question of the state of Ireland, and to that important subject he must address a few, a very few words. It should be remembered that meetings in purpose and tendency inimical to England and English connexion had been long unknown in Ulster. In that province, other meetings of a very different character and tendency had been customary—meetings of the Protestants of that province for no other objects than those of peacefully commemorating events which had secured the enjoyment of civil and religious rights and the continuance of British connexion. Those meetings and commemorative processions had been discontinued. The Protestants of Ulster had been taught to hope that their abandonment of those meetings and processions on anniversaries of fond recollection, would be received by those who differed from them in a kindred spirit of good feeling and forbearance. The very contrary had been the case. Meetings had been held, and lately in great numbers, within the province of Ulster, calculated in every way to wound the feelings of the loyal people of that province—meetings for the avowed overthrow of that English connexion, and the consequent destruction of all those institutions and those rights, for the maintenance of which their fathers had fought, and they were prepared to die. The power of the Protestants of Ulster was formerly sufficient to prevent meetings hostile in object to British interests, and such meetings they had effectually prevented. But it was highly creditable to them that possessing that power, and conscious of possessing it, they had ever used it with discretion. They had never interfered with national or religious commemorations by Roman Catholics. They had never obstructed processions on Patrick's Day, although not unfrequently that festival was celebrated in a manner hurtful to their feelings, and tunes were played which were identified with sentiments adverse to Protestant and British interests. They had never attempted to interfere with gatherings of the Roman Catholics. Lately, in a particular part of the province, the Protestants had resolved to meet together for the purpose of publicly proclaiming their unchanged devotion to the Throne, and their unalterable adhesion to English connexion. It was not unreasonable to expect that, when the repealers

had in vast numbers met to further their own views, the anti-repealers should have been permitted the peaceful and unobstructed exercise of their undoubted right to meet and express their sentiments. Had they been allowed peacefully to assemble, their conduct would have been, as it always was, peaceable and orderly. But they were not allowed. No sooner was it known that they proposed to meet and declare their determination to support the connexion with England, than summonses were sent out in every direction to gather the Roman Catholics for the purpose of obstructing the meeting. A small band of anti-repealers, not more than twelve in number, on their way to the intended meeting, were assailed by a crowd, numbering full two hundred men—they were unmercifully beaten, and one of them had his arms broken, and life would have been sacrificed, had not these unoffending persons obtained refuge in a house. He trusted in the present trying times the Protestants of Ulster would act with the same discretion as they had done in former days. Emissaries, he was aware, had been sent through every district of the province of Ulster, for the purpose of beguiling the Protestants, of impressing them with the conviction that their own rights and religion would be secure under domestic legislation, and assuring them that incalculable benefits would accrue to themselves and to the country at large from the repeal of the union. He trusted they would treat these insidious attempts as they deserved. In April, 1834, when the hon. Member for Cork had found that the Protestants of the north were not to be cajoled by his promises and fair speeches, he turned round on them and published his address to the people of Ireland, in which he told the people that he had spent five years in attempting to conciliate the Orangemen—that he had failed—that the Orangemen, formerly so brave, so enlightened, and patriotic, were the most despicable creatures that had ever excited the contempt and scorn of mankind, and that they must be put down. He knew the Protestants of the north well. He was well aware of their ardent attachment to the British connexion. That connexion and the principle of the British constitution, they were prepared to defend—aye, at the mouth of the cannon; but they would never submit to be the slaves of demagogues, rebels and traitors.

Lord *Ebrington* said, that the speech of the hon. and gallant Member who had just taken his seat, and the speech of the right hon. Member for the University of Dublin appeared to him both, particularly the former, to be very wide of the subject under discussion. He was surprised to hear the word “obstruct” used by the Gentlemen opposite. In their mouths the word was most ungraceful and uncalled for, considering that it was, if not introduced, at least much used, by the author of that never-to-be-forgotten outrage on the feelings of the Irish—the Registration Bill. Still less did it become, he thought, the right hon. and learned Gentleman the Recorder to apply that term to the Gentlemen around him (Lord *Ebrington*) who had on no occasion sought to impede any proper objects aimed at by her Majesty’s Government. His purpose, however, in rising, was principally to correct a quotation which had been made from a declaration of the late Lord-lieutenant of Ireland, and which had been held by the right hon. Gentleman, the Recorder, to justify the infliction of civil disabilities for certain political opinions. The same use had been made of the declaration of the late Lord-lieutenant by the right hon. Baronet the First Lord of the Treasury; but he was sure that the expressions used by the Lord-lieutenant would not bear that interpretation, nor anything like it. With the permission of the House, as he was in possession of a corrected report of the expressions used by the late Lord-lieutenant, he would read them, and the House would see whether they were justly characterised as involving any civil disabilities for political opinions. After stating his determination and the determination of the Government with which he was connected, to maintain the Union in the strongest terms, the late Lord-lieutenant said: [The noble Lord quoted the expressions previously quoted by Earl Fortescue in his Speech on the 9th of June, see *ante* 1291.] There was nothing in that declaration which could justify the Government in departing from the constitution, by dismissing magistrates for attending a public meeting at which no breach of the peace whatever was committed. The Government had even gone further, and dismissed a magistrate for proposing at a public dinner a toast, without making any speech, which did not express any political sentiment whatever. For that the magistrate was dismissed. The language used by his father had been tortured by the right hon. Baronet, and the



right hon. Gentleman into a meaning totally opposite to that which they bore. The right hon. Baronet had referred, in preference, to the language used by the hon. and learned Member for Cork, a relative to the Lord Chancellor, and the late Lord-lieutenant, and the right hon. Baronet had congratulated himself on the different language held by the leader of the repeal movement towards those two individuals. Certainly, those words were sufficiently offensive; but the right hon. Baronet might have quoted others of a different character. At a dinner given at Dublin to Lord Morpeth, the hon. and learned Member for Cork had spoken of the late Lord-lieutenant as a high-minded English gentleman, who had executed the powers entrusted to him with care. The hon. Member who had just sat down had characterised the whole debate as not referring so much to the motion of the hon. Member for Waterford as to the state of Ireland, and that might justify the Parliament in entering into a consideration of the acts of the present Government, in relation to that subject. He felt, and he must say, that the silence of the Gentlemen on his side, which had been represented as a proof that they did not disapprove of the proceedings of the Government, was improperly interpreted. If the right hon. Baronet recollected the principles on which the Opposition acted, the right hon. Gentleman would conclude that his opinion was *ex post facto*, and delivered after the approval of the House had been distinctly withdrawn. The appointment of the clergy selected by the right hon. Gentleman had been already reprobated by the House. The House had hoped from the declaration of the right hon. Gentleman, when he assumed office, and had hoped from the declaration of the noble Lord, the Secretary for Ireland, on his election for Cornwall, that the Government was disposed to govern Ireland in the spirit of impartiality and justice. The speech of the right hon. Gentleman, the Secretary of State for the Home Department, had convinced the House that the spirit of impartiality and justice must not be looked for from the present Government. One of the first acts of the Government was to dismiss several stipendiary magistrates, and they dismissed those who were Whigs, reappointing partizans of their own. He did not believe that his noble Friend (Lord Elliot) entertained any intention of doing that, but he had suffered it to be done. No regard was paid to the seniority of these

persons, but an arbitrary selection was made of Tory partizans, which was not a proceeding calculated to conciliate the people of Ireland. What, too, had the Lord-lieutenant done with respect to the system of national education. It was a year after his appointment before the Lord-lieutenant took any notice of the national schools, and all that time had subscribed to the opposition schools, which was equivalent to a Member of the present Government subscribing to the Reform Club. That was the way the Lord-lieutenant supported the system of national education. The right hon. Baronet, too, had filled up all the vacancies which had occurred in the church, with persons hostile to the system which the right hon. Baronet desired to promote. All his patronage had been disposed of in the same way. Two judges he had appointed were extreme partizans. There was another act which was calculated as much as anything to give great offence to the people, and that was the appointments connected with the Poor-law commission and the removal of Dr. Phelan. That commission was at the best unpopular, and most of the situations were filled by Englishmen. There was one individual connected with it, an Irishman, and he had managed to acquire to a very considerable degree, the respect of the population. But this Gentleman, Dr. Phelan was dismissed, he did not say unconstitutionally, but certainly not in a spirit of impartiality and conciliation. Moreover, there was the Croal contract for mail Coaches, which at the best was not a wise measure of the present Government. He knew nothing with which to compare it, but the contract in Queen Anne's time, with Wood, for the supply of halfpence; but the Government then acted justly towards Wood, which it had not done in the Croal case towards Mr. Purcell. Again, the Lord-lieutenant had made an apology to Mr. West for not appointing him to the sergeantcy, and nothing could lower the Government more in the general estimation than making apologies for not giving appointments. Apologies respecting appointments were always bad, but Mr. Warren was in this case offered the appointment, showing that he was worthy of it, and to Mr. West, an apology was offered, as if he were unworthy, and could not be appointed. Another thing was the marching of troops, and the other measures, to put down the repeal agitation, which had only exposed the Government to ridicule. The expedition to Waterford had caused

the Government to be laughed at, which no Government could afford, and least of all the present Government. Dissenting from the course of the Government, he took that opportunity of saying so.

Lord *Eliot* explained that the Lord-lieutenant had made no apology to Mr. West; but great disappointment having been felt by the Conservative party in Dublin, the Lord-lieutenant had explained to Mr. West that the appointment to the sergeantcy was a strictly legal and professional one, and that it was made without the least intention of throwing a slight on him, or treating him with the least disrespect. With respect to the stipendiary magistrates, the noble Lord was mistaken in saying twelve had been dismissed: the number was only eight, and they had all been re-appointed within a year, and several of them within three months. The circumstances of the country at that time, it was thought, did not justify such a large number of stipendiary magistrates, and eight, being the eight junior ones, were removed.

Lord *J. Russell* would not, on that occasion, enter into a discussion on the general condition of Ireland, but there were one or two points touched on by the noble Lord who had just spoken (Lord *Eliot*), and the right hon. Gentleman (Sir *R. Peel*), he understood, had made some remarks which would not allow him to remain silent. He could not pass by what the noble Lord had stated, namely, that the noble Lord, on coming into office, had found the state of the country so undisturbed, so tranquil, that the Irish Government had thought it right to dispense with the services of eight stipendiary magistrates. That was the avowed declaration of the noble Lord. He wished for no better testimony to the state in which the country was left by the late Government, because the House would recollect the numerous discussions which had taken place when the late Government were in office, on the general condition of Ireland; the House would recollect how much that Government was on that account the object of vituperation; it would recollect the numerous inquiries that were instituted in the other House of Parliament to ascertain in what degree outrages of all kinds, murders, and aggravated assaults, had increased under that Government; and now it was proved by the declaration of the noble Lord, that the

condition of Ireland had then been one of great tranquillity, of peaceful pursuits, and of general prosperity, which the Government of the right hon. Gentleman, as was admitted by the noble Lord, had failed to produce. Such was the comparison which the language of the noble Lord justified. He understood that the right hon. Baronet the First Lord of the Treasury had stated, that there had been no complaint during the past Session, and therefore he had a right to infer that there were no grievances in Ireland. When the right hon. Gentleman made that statement he must have misunderstood the motives of those who made no objections to his conduct last Session. He was of opinion when he was in office, and he had stated that opinion when the noble Lord the Secretary for the Colonies had brought forward his Registration Bill, that it was most desirable, although some legislation was required for Ireland, that the country should be left in its then state of tranquillity, and they should wait for a more favourable time to introduce those legislative measures which would satisfy the claims of the people. He objected to the bill of the noble Lord, that it would raise agitation and provoke excitement which did not then exist. According to the opinion which he had declared in office, he had acted upon out of office. He did not consider it advantageous to introduce legislative measures without some hope of carrying them, nor was he disposed to take notice of every step taken by the Government to mark all its faults, when that might provoke excitement, injure the public interests, and disturb the internal tranquillity of Ireland, when the general condition of that country was not brought under the consideration of the House. He should, however, be taught by the observations of the right hon. Baronet, and take care on other occasions not to allow the Government to suppose itself guiltless because it was not accused in the House. His noble Friend (Lord *Ebrington*) had adverted to one or two matters in which he thought the Government had deserved blame, but there was one fact of which the noble Lord had not taken notice, which he thought reprehensible, and of which he believed the Government had since repented. The subject to which he alluded was a prosecution for libel, in which the doctrines laid down from the bench in Ireland were completely hostile to the con-



stitutional freedom of discussion. He was glad, however, to find that such doctrines were not approved of, and the present Attorney-general for Ireland had exercised a proper discretion in not bringing up the person found guilty for judgment. He considered that a wise determination, and the course pursued by the Government the proper one. It was properly said, that they found themselves forced on this occasion by the state of circumstances, to discuss the question, though not regularly brought forward, of the general condition of Ireland. The course which had been taken by the Government had been referred to the course taken by the hon. Member for Cork. He was not connected with the Government, nor had he the influence of the hon. and learned Member for Cork, he had therefore neither the power to put down agitation, nor the influence to excite it. Nevertheless, though he was not peculiarly connected with Ireland, he could entertain no sentiments of the Irish he would not express, and he would allow no proper occasion to pass by, on which he would not give his opinion of the cause of the evils of that country. He would take care, too, after the observations of the right hon. Gentleman, that on other subjects as well as Ireland—on every question on which he thought the Government to blame, whether it concerned the settlement of our foreign policy or whether it referred to our internal condition, whether it were a foreign or a domestic question, he would raise his voice on every occasion against the acts of the Government which he thought blameable, that the right hon. Gentleman might not say that he approved and acquiesced in its proceedings. What he meant further, then, to offer to the House would refer to the question under discussion, on which he felt called upon to make a few remarks, particularly in reference to what fell from the right hon. Gentleman the Recorder of Dublin. On going into the committee it was some satisfaction to have the declaration of the right hon. Gentleman. The right hon. Gentleman said he supported the bill, and he spoke of it as not being different from the law already in existence. The right hon. Gentleman said, that greater powers were not necessary, and that the strongest clauses of the bill were not required [Mr. Shaw had said, they were not important.] Not important? Surely, if they were not important, the

right hon. Gentleman must be ready to give them up. When there was a case of particular danger to the public liberties, he could conceive that there might be a necessity for a stringent measure, like the present enactment; but when the right hon. Gentleman says that it is not important, why does he not allow the general rule to operate, that the liberty of the people is of the highest value—that the House of Commons should not interfere with its enjoyments—nor inflict, without an adequate cause, this enactment on the people of Ireland? The right hon. Gentleman might say that the particular circumstances of Ireland justified the additional provisions. The right hon. Gentleman at the head of the Government on a former occasion stated, that this bill was introduced merely as an improvement on the former Arms Bill, before the present state of agitation in Ireland existed, and without any reference to that excitement. If this were the case, it was clear that the extraordinary provisions had not been rendered necessary by the unusual state of things in Ireland. It was, indeed, perfectly well known to all parties, that at that period no peculiar circumstances existed; the noble Secretary for Ireland did not pretend that any such circumstances existed. It appeared, then, to him, that the present state of feverish excitement prevailing in Ireland, was a sufficient reason for withdrawing these extraordinary provisions. Unless it could be shown that they were absolutely necessary, it was most unwise to add fuel to the fire already burning by enacting them. He would conclude by stating, that he had been greatly strengthened in his opinions on the subject, by the declaration which had just been made by the right hon. Member for the University of Dublin. Most certainly, if those with whom that right hon. Gentleman was connected thought additional provisions as to arms necessary, would have conveyed that impression to the House. Thus strengthened in his opinion, if the House went into committee on the bill, he was prepared to take or support measures for reducing its provisions to the present state of the law on the subject. He saw no reason for, but every reason against, extending these provisions beyond what was absolutely necessary for the security of life and property.

Sir R. Peel explained, that he had not

said, that the noble Lord approved of the policy of the present Government; he had not inferred, that the noble Lord approved of that policy; but he certainly thought, if the Government had not acted on principles of moderation, of impartiality, and of justice, it was highly improbable the two last Sessions would have passed over, as they had done, without some notice being taken of the matter by hon. Gentlemen opposite. During the last Session, there had been entire silence on the subject on the other side of the House. The only case which had presented any exception at all, was the libel case referred to by the noble Lord, upon which a motion was made by a right hon. Gentleman, a Member of the late Government; and this exception confirmed his (Sir Robert Peel's) statement, showing, as it did, that when a case arose which seemed to hon. Gentlemen to call for comment and animadversion, due notice was taken of it.

Mr. *Trelawney* said, that Gentlemen on that side of the House had no desire to oppose Government, when it introduced good measures. It was his conviction, that until the present Church Establishment in Ireland was abolished, there would be no peace for Ireland. That Church which presented to the whole people, the exhibition of churches without congregations, shepherds without flocks.

Viscount *Dungannon* was very glad, that Gentlemen opposite spoke out so plainly on the subject of the Church of Ireland. The right hon. Baronet near him had most truly said, that the moment the Established Church of Ireland was overthrown, there was an end of the Union. He considered the attacks which were so constantly made upon the Protestant clergy of Ireland, as in the highest degree reprehensible. The noble Lord opposite, before he passed opinions on the subject, should visit Ireland, and ascertain the facts of the matter. He could state from personal knowledge, that a more praiseworthy body of men than the Protestant clergy of Ireland did not exist. In his opinion, Gentlemen who spoke of that body of men, in the language which unfortunately had been too frequently heard in that House, who vituperated them as idle drones, living on the fat of the land, and doing nothing, as shepherds without flocks, were responsible for much of the bad spirit which was engendered in respect

to that Church in the minds of the people. As to the agitation now prevalent in Ireland, it was owing entirely to the efforts of agitators and demagogues arousing the feelings of the people, and exciting them to objects which they knew could never be effected.

Mr. *Ward* suggested, that the noble Lord opposite might extend his taunt about the impropriety of persons talking of Irish people and Irish affairs, without having visited Ireland, to certain persons much nearer himself. He believed the noble Lord would find, upon inquiry, that the present Lord and master of Ireland, the right hon. Secretary for the Home Department, who, it must be admitted, expressed his opinions with considerable decision about the Irish people, had never yet been in Ireland. As to the Protestant clergy, no one on that side of the House had thrown any aspersions upon the Protestant clergy of Ireland personally. On the contrary,—it was admitted that, of late years, they had discharged their duty with a sincerity of feeling, and earnestness of purpose, which nothing but the vice of the system could have counteracted. What he, and those who thought with him, objected to, was, not the conduct of the clergy, but the character of the system; and, when the right hon. Baronet opposite called upon them to support him in maintaining the Union, they were bound, as honest men, to give him their opinion in return, as to the causes, which impeded the proper operation of that Union, and made it a mere parchment bond between the two countries. It was absurd to suppose that they could tranquillize Ireland, while they persisted in perpetuating the evils which rendered her discontented; yet, until Ireland was tranquillized, England could know no security. The danger attendant on the existing state of things was never more forcibly illustrated, than it had been that night; for it appeared that no question, however insignificant, could be mooted in reference to that country, without leading to a most important discussion. A motion, which he did not believe would have occupied in discussion many minutes of the time of the House, had led to two most important speeches on the general state of Ireland. That of the noble Lord the Member for Tiverton, and that just delivered by the right hon. Baronet, the head of her Majesty's Government, the speech of the right hon. Baronet opposite (Sir R. Peel) was the more particularly important,



because it was an answer not to the speech by the noble Lord, but to a speech delivered on a previous evening by one of his own colleagues in the Government (Sir J. Graham), which speech had produced a painful impression, and had been listened to with evident signs of discomfort by the right hon. Baronet at the head of the Government. It was well known, that it was the constant habit of the right hon. Gentleman the Home Secretary, when there were differences in the Cabinet, to bring them to the notice of the House, by speeches which he conceived calculated to elicit expressions of support for that side of the question which he preferred. The right hon. Gentleman (the Home Secretary) had done so before. He did so in 1834, when his unlooked for declaration that there were no differences of opinion whatsoever in Lord Grey's Cabinet upon the Irish Church, drew from the noble Lord the Member for the City of London a reply, which the present Secretary for the Colonies had made historical by saying, "Johnny has upset the coach." It was his (Mr. Ward's) firm belief, that the right hon. Gentleman had on a recent occasion acted the same part, well knowing that the right hon. Baronet at the head of the Government could not concur in it, and which, indeed, that right hon. Baronet had handsomely avowed. The right hon. Gentleman said, that conciliation was at an end as regarded Ireland; and that the only question in dealing with that country was, whether the Government should be conducted in conformity with the will, and the passions of the masses, or with the wisdom of the united property and intelligence of this mighty empire? This view of the question had been placed in a still more decided light by the speech of the noble Lord the Secretary for the Colonies, on a subsequent occasion. But time had since enabled them to ascertain better the feelings of the country upon the subject; and to-night down came the right hon. Baronet with another programme, from a more authentic source, of the intentions of the Government with regard to Ireland. Now they were told it was in truth no question between the masses on the one side, and property on the other. They were not to believe what they had been told by subordinate Members of the Government, who had no business to speak at all upon such questions; and if they had done so the other night, why it was a liberty they were not indeed to repeat. The intentions of

the Government were to be declared, but by the right hon. Baronet himself,—the head of the Government, whose declarations were, no doubt, perfectly sincere, when he disavowed any design to coerce, and declared that his intention was simply to administer the laws with perfect impartiality, fairness, and forbearance, without any applications to Parliament for unusual powers. [Sir R. Peel here intimated, inaudibly, some dissent from this representation of his sentiments.] He had, then, most unfortunately misunderstood the right hon. Gentleman, and he was not in the habit of misunderstanding. He regretted if he had not correctly conceived the purport of the right hon. Gentleman's observations, and if any unusual powers were to be applied for, he hoped they would be asked for fairly; but of this he was certain, after the experience of 1833, that no British House of Commons would be sufficiently degraded to grant them; and the right hon. Baronet might rest assured that the present difficulties in Ireland would be immensely aggravated by the application. But he believed that he had correctly interpreted the right hon. Gentleman's declaration, and that it was not his intention to apply for extraordinary powers, though some of his colleagues would be ready enough to use them. The right hon. Gentleman to-night had fairly parted company with these impatient Gentlemen. But there had been one great defect in the right hon. Gentleman's speech. If it had disclaimed the intention of asking for anything extraordinary, it also declared no design to confer anything extraordinary. The Government, it appeared, had nothing ordinary, or extraordinary, to suggest or concede at this most critical moment. There had been no intention avowed of dealing with any one of the great questions that had been mooted in the previous debates;—in short, there was no decided declaration at all, except on the subject of the Irish Church, on which he (Mr. Ward) was sorry to see a very unhappy coincidence between the right hon. Baronet's opinions, and those expressed by a noble Lord on the Opposition side. He was sorry to see the Government taking its stand on that one measure, which had excited more ill-feeling in Ireland than any other single measure that could be named amongst the causes of the present dissatisfaction. He regretted this for the sake not only of Ireland, but of the empire; for he agreed with the right hon. Gentleman that the

repeal of the Union would be equivalent to the ultimate dismemberment of the empire, for that it would be absurd to imagine two independent legislatures carried on concurrently without any other link than the acknowledgement of a common Sovereign. But it was hopeless to expect that by any Ministerial displays in Parliament, any enunciation of abstract doctrines, unaccompanied by practical measures, conciliation could be successfully attempted, or the agitation now subsisting be put an end to—an agitation which the noble Lord the Secretary for the Colonies and the right hon. Gentleman the Home Secretary attributed to the efforts of one individual, as if they could be of any avail if directed against a contented state of society. No! it was the mud, the rich soil which agitation found to drop its seeds in—it was that to which was to be attributed the growth and strength of the pernicious tree that had taken such deep root in that country. The Opposition had been accused of obstructing the passing of measures which would have placed Ireland in a far different position; but even admitting the fact, which he did not do, for no measures good or bad, had been proposed except the arms bill, which seemed to contain the sum and substance of the whole Irish policy of the present Cabinet—who set that example? Who coined the word “obstruct”? Who first boasted, that he would apply it practically to the business of the House? Why, the noble Lord the Secretary for the Colonies when he sat in the place where he (Mr. Ward) was now sitting. But there was no disposition to follow his example. If any useful measures were brought forward they would receive from the Opposition cordial support, which might be useful against obdurate supporters. At all events, they were exercising their proper functions in raising discussions, which could not be said to be waste of time when they elicited such satisfactory speeches as that of the Premier that night, softening, as it had done, the irritating expressions of his right hon. Colleague, and leaving fair ground for hope, that, although little had yet been done, a time was coming when some of the great questions alluded to that night, would be taken up by the Government in a more formal shape, and dealt with in a way more satisfactory to the country.

Sir R. Peel said, I am sure, Sir, the House will permit me an explanation after what has been thrown out by the hon.

Gentleman, who certainly cannot have been in the House during my speech.

Mr. Ward: I beg pardon, I heard every word of it.

Sir R. Peel: Then, I must say, it was natural for me to imagine it had been otherwise, for never was there a more complete, though doubtless unintentional, misrepresentation of what I said. I was defending, of course, what had been pursued by the Government of Ireland, stating, that I was prepared to prove that its policy had been marked by moderation and perfect impartiality. That policy my right hon. Friend near me, as Home Secretary, chiefly directed, and the hon. Member's inference about differences of opinion between myself and other Members of the Cabinet are altogether and entirely unfounded. The course of policy pursued in Ireland, as directed by my right hon. Friend, has been marked, I say, by moderation, justice, and impartiality; and upon this subject, which is under his more immediate superintendence, there has been between him and myself the most cordial concurrence of opinion. And, as to the expression of “subordinates,” made use of by the hon. Gentleman, what I said, in answer to the noble Lord (Lord Palmerston), I repeat, that it is not true that any such parties have attempted to influence appointments in Ireland, or that, if they did attempt it, they would succeed. And that the hon. Gentleman tried to pervert into a supposition that I was referring to the speech of my right hon. Friend. Cautioning my right hon. Friend, and intimating a dissent from his declarations—[Mr. Ward denied that he had made such insinuations.]—Sir, the hon. Member did distinctly, commenting on the speech of my right hon. Friend, allude to mine, this night, as throwing it overboard; and made use of the expression “subordinate” in connexion with my right hon. Friend. I again deny, that there is or has been any foundation for the insinuations of the hon. Member.

Mr. Ward said, he had never said, or supposed, that the right hon. Baronet himself had applied the epithet “subordinate” to the Home Secretary. It would have been impertinent in him to put into the mouth of the Premier an expression in such bad taste, as applied to a Colleague filling so important a Ministry. He had used the word as expressing his own opinion with reference to the position of the two right hon. Gentlemen in the Cabinet; for he thought it no degradation for any man that



he should be (as he believed in fact all the Members of Administration really were) subordinate to the right hon. Baronet.

Mr. Wyse said, that it was quite time the people of Ireland received something more grateful from the Government than an Arms Bill, yet no symptom or promise of any measure of redress or amelioration had been held out to them. The Irish people could not forget the obstructions which the party now sitting on the Treasury Benches had thrown in the way of the Church Temporalities' Bill, the Municipal Reform Bill, the Railways Bill, and indeed every measure of public utility and conciliation; and they required something now at the hands of that party to heal these repeated wounds. The present excitement of the people of Ireland was occasioned by the irritation consequent upon the refusal of all measures of relief; and he apprehended, that the declaration made by the right hon. Baronet, the Secretary for the Home Department, the other day, that the policy of conciliation was now exhausted, would do more to aggravate this excitement than any exertions of disaffected persons. The grievances of which the Irish people complained, were recognised by all sides of the House, and if some legislation were not had upon the subject before the termination of the present Session, he very much feared that in the interval between this and the commencement of the next Session, they might be called upon to act against the voice of the country, and to resort to that worst of all expedients of plunderers and wicked men—a civil war.

Mr. Ross was rejoiced that this debate had been protracted, as, besides eliciting the sentiments of a great number of Members upon the subject of Irish affairs, it had afforded an opportunity to two leading Members of the House to give notice of the measures which they thought necessary for the relief of the grievances under which Ireland laboured. He had heard with great gratification the observations of the noble Lord, the Member for Tiverton; but he was sorry to hear him declare that he would support the provisions of this bill to the extent at least of those of previous enactments; for he did not see any necessity for the bill, either as regarded Ireland or England. He very much feared it would be used in a hostile spirit, as a means of op-

posing the agitation on the question of the Repeal of the Union.

Mr. T. Duncombe rose for the purpose of answering a question which had been put to Members on this side of the House by the right hon. Baronet the First Lord of the Treasury, who he regretted was not now in his place, but who had asked how hon. Members on this (the Opposition) side of the House could reconcile their opposition to this measure at the present moment, with their concurrence in the bills, for a similar purpose, of 1838 and 1840. Now he (Mr. Duncombe) was quite ready to profess that the Members on this side of the House were in a false position upon this question. He, for one, confessed the error he had committed on this subject on former occasions; but the fact was, he did not hear the Irish Members make any objection to the measure then before the House, and when he did not hear Irish Members, and those who were interested in the subject, oppose the measure, he certainly did not feel called upon to be the first to throw himself in the breach, and declare that the measure was unconstitutional. He was quite ready to admit, therefore, that his attention had never been directed to the subject before. But looking at the bill now, he could only say that, if it was a measure proposed for England, it would not, for one instant, be tolerated; the English Members themselves would not allow the House to go into committee upon it. He could assure the Government, moreover, that there was arising a very strong feeling amongst the people of this country upon the subject of this bill; the working people of this country thought that the people of Ireland ought not to submit to such a measure. The noble Lord, the Member for Tiverton said, that the people of England supported the present Government, but that the Irish people were opposed to it. He, however, held a different opinion; he believed that the people of England were not prepared any longer blindly to submit their destinies and pin their faith to this noble Lord, or that hon. or right hon. Gentleman. The people of England had not as yet seen any very strong demonstration of an intention to take their interests zealously in hand by either party. [*Interruption.*] I maintain (continued the hon. Member) addressing the Ministers, I maintain that you are

most unpopular with the people, and that you are equally unwelcome to the Sovereign. He asked the right hon. Baronet, the Secretary of State for the Home Department whether he intended to maintain the act of union at the point of the bayonet? The right hon. Baronet had on some previous occasion professed himself a disciple of Fox—describing himself as a Whig of the good old school. But Fox had said of Ireland that she was not worth preserving if she was only to be maintained by force, and that it was better to have no subjects at all than subjects who were only seeking to throw off their allegiance, at the first opportunity. Now, he asked the right hon. Baronet how he intended to maintain the union with Ireland? They all recollected the remarkable speech which the right hon. Baronet had made the other night, in which he declared that the policy of conciliation had now come to an end; and it was very remarkable that the very next day after that speech was delivered several noble Lords and Members of this House assembled at the house of a noble Lord, and passed a resolution declaring that they cordially approved of the policy of the right hon. Baronet's Government, and would support him in it to the utmost; that is, that they would support a policy which was based upon the principle that conciliation was at an end. [*No, no.*]

Was it not so. Well, then, let hon. Gentlemen stand up in their places, and repeat what they meant. It was no use saying, "No, no," when no one could see who the cry came from. He maintained that hon. Gentlemen had not professed those doctrines in this House which they did when they met at Lord Wicklow's, or other places of that sort. What was the conciliation which the Government proposed to administer towards Ireland? The only evidence he had of it was in the dismissal of the magistrates by the Lord-lieutenant, which had been carried on to such an extent that some forty had been dismissed up to the present moment. He would say that a more paltry, a more pettifogging, a more mean and cowardly proceeding, he could not conceive, than that of the Lord-lieutenant in respect to these gentlemen. A proceeding more unconstitutional in its tendency he could not conceive, for he maintained that it was the right of every British subject to meet his fellow-subjects for the purpose of pe-

titioning for the repeal or continuance of any act of Parliament. With respect to the letter of the Lord Chancellor of Ireland to Lord Ffrench, he would not give the right hon. Gentleman in the chair so much useless trouble as to ask him whether or not it amounted to a breach of privilege, for he thought there could hardly be a division of opinion upon that point. But he wished to ask the right hon. Baronet, the Home Secretary, a very plain question respecting that letter, whether her Majesty's Ministers advised the framing of that letter or not? [The hon. Member quoted the letter at some length, for which *see ante*, Vol. lxi. p. 1064, and then proceeded. Now he would ask when and where it was that her Majesty had expressed her determination to prevent the carrying of a measure for the repeal of the union? No declaration of the kind had as yet, by any legitimate means, been made known to the public. In his letter to Mr. Macdonnell the Lord Chancellor said,

"It having been reported to me that you have attended certain meetings, assembled for the purpose of agitating the repeal of the union, I wish to ask whether that report is correct, and if so whether any of such meetings took place subsequently to the declaration made by her Majesty's Ministers in Parliament of her Majesty's determination to resist the repeal of that act?"

He hoped it was the intention of her Majesty to maintain the union; but he apprehended that the Lord Chancellor had no authority for stating that it had been intimated to this House that such was her Majesty's determination. He thought he had a right, therefore, to ask the right hon. Baronet whether it was he who had communicated to the Lord Chancellor of Ireland what had been said in this House as to her Majesty's alleged intention on this subject? He recollected very well—and so would many now present—that the right hon. Baronet, the First Lord of the Treasury, one evening came down to the House, and got up a bit of solemn farce with the Comptroller of the Lord-Lieutenant's household upon this point, which, but for the solemn consequences which might result from it, would be entitled to universal laughter. The right hon. Baronet then stated, that he was empowered by her Majesty to reiterate the declaration of his late Majesty William 4th., on this subject; but



he did not produce any authority for that declaration in the shape of a message, or otherwise; and even if the right hon. Baronet had, he contended that it ought not to have had the slightest weight with this House, nor with the magistrates of Ireland. The Lord Chancellor had no right to dismiss those magistrates. He knew nothing in the annals of the dismissal of magistrates which came up to the meanness—the cowardliness—of the late dismissals in Ireland, except that of Lord Fitzwilliam from the Lord-lieutenancy of the county of York. In 1811 that nobleman, whose only offence was his attendance at a county meeting, held to petition Parliament to institute an inquiry into the circumstances of the Manchester massacre, were dismissed by the Tories of those days. The right hon. Baronet opposite, Sir James Graham, was then serving in the Yorkshire Hussars, and much to his credit, he resigned his commission, stating that he could not serve in a corps which Lord Fitzwilliam was unfit to command. He did not know what might be the result of the motion before the House. The hon. Gentleman might or might not withdraw it; but if it should appear that the Lord Chancellor of Ireland, in acting as he had acted, had done so in consequence of information received by him through the medium of the press, he should feel it his duty to move in this House that a faithful and true report of the proceedings of this House should not constitute a breach of its privileges. The Irish people were only exercising their rights in attending meetings as a means of petitioning for an alteration or repeal of any act of Parliament, and there was nothing in the Act of Union to make it a special exception to the rule. Let them rest assured that the English people were not disposed to go into a civil war in order to preserve the union; they would not consent to its being kept up by the bayonet; and such being the case, if they asked for any measure of coercion, it would be the duty of English Members, and one, the fulfilment of which would be claimed by their constituents, to resist any such measure to the utmost. If such meetings were to be put down in Ireland, the next thing would be an attempt at their suppression in England, but only an attempt, for if they were to introduce any such proposition with reference to England, it would not be tolerated for one

Mr. *Sharman Crawford* said, amid general cries of “divide,” it was melancholy to hear so many evils admitted as existing with respect to Ireland, and yet to hear no plan proposed for their remedy. He thought that measures might be adopted which with respect to the tenure of land would improve the condition of the people, without trenching upon the rights and liberties of the proprietor of land, and such a measure it was his intention to propose. The only way of getting rid of the grievance of the Church was by taking away all the revenues of the Church, and leaving it to be supported by means of voluntary contributions. As to the motion before the House, he could not assent to it. The principle upon which he objected to the Arms Bill extended to England as well as to Ireland. He would oppose it as applied to either country.

Mr. *W. S. O'Brien* said, that the constitutional question put by the hon. Member for Finsbury called for an answer from the Secretary of State for the Home Department; and he rose, in order, if possible, to try to elicit that answer. In his letter to Lord Ffrench, Sir Edward Sugden said, that,

“Her Majesty’s Government having recently declared in both Houses of Parliament their fixed determination to maintain the Union, it becomes the duty of the Members of Government to support that declaration.”

The Lord Chancellor could only have information of this, either by communication from the Secretary of State, or through the press. If it was obtained through the latter medium, the question arose whether or not the transaction involved a breach of the privileges of this House, and he should be glad to hear the Speaker’s opinion upon the subject. If, however, it was not through the press that the Lord-lieutenant obtained his information of what had passed in this place, it must have been through some organ of the Government; and if so, would not Government avow that communication to the House? He put this simple question, which he hoped would be definitely answered, as one referring to the constitutional rights of the people of Ireland.

Viscount *Clements* desired utterly to deny the assertion of the right hon. Baronet at the head of the Government, that the bill now before them was similar in its character to the existing act of Parliament. This bill contained 100 stringent

regulations which the other measure never contemplated. It was so stringent, in fact, that under its provisions the very state sword in Dublin castle must henceforth be branded. With respect to this amendment, he was sorry to say, that if it was pressed, he could not support it. He considered the measure so infamous, that he would not seek to press it upon the people of any country.

Sir *W. Barron* said, that the sense of the House being evidently against the amendment, he should beg leave to withdraw it.

Amendment withdrawn.

On the question that the Speaker do now leave the chair,

Mr. *T. Duncombe* said, that he was not surprised the right hon. Gentleman opposite had given no answer to the question he had put to him. He had asked whether, in the letter in which the Lord Chancellor of Ireland referred to certain proceedings in that House, the Lord Chancellor had so written in consequence of communications from the Government at home, or merely on the authority of newspaper reports? "Now," said the hon. Member, producing a newspaper, "Now, I will take leave to refer to the solemn farce which was some time since enacted in this House. [*Cries of Read.*] Well, I'm going to read. The report says—[*Cries of 'Order.'*]—Ay, "that's exactly the point I wished to bring you to!—that's it—that's the very thing. I had no right to read the newspaper. I know it. I agree that you are right. I am out of order, grossly out of order, and if you call on the Speaker to prevent me from proceeding undoubtedly he must interfere, and I will submit to his decision. But then this brings me back to my important question—the question I put in the right hon. Baronet's absence,—did the Lord Chancellor of Ireland derive his information from a communication of her Majesty's Minister, or did he derive it from the reports of the public press? If he derived it from the public press, are we come to this—that a Lord Chancellor of Ireland shall dismiss and degrade magistrates on the meanest, the most paltry, and cowardly motives, deriving his intelligence from a newspaper, which I, in my place in Parliament, am not allowed to read? Why, if such be the case, in what an anomalous position the privileges of the House stand with regard to the public

press! I am called to order for reading from a newspaper that which I believe to be a most authentic report of proceedings in this House; but I shall go on, and now, Sir, unless you tell me that any report or notice taken of proceedings within these walls, whether in the press or elsewhere, is contrary to the Privileges of Parliament, I shall certainly beg to read the first scene of that solemn farce; Yes, of that solemn farce; I called it so to the right hon. Baronet's back, and I now call it so to his face—of that 'solemn farce, which was got up and played in this House by the noble Lord the Comptroller of the Lord-lieutenant's household, and the Prime Minister of England. The report, Sir, runs—[*Cries of 'Order.'*]

The *Speaker*.—I am bound to tell the hon. Member that he is out of order in referring to, or reading, any report of proceedings said to have taken place in this House.

Mr. *T. Duncombe*.—Very well, Sir; then, I beg to move "That a true and faithful report of the proceedings of this House is not a breach of the privileges of Parliament." That is my proposition. The right hon. Baronet has taken no notice of my question. [An hon. Member.—It's not worth an answer.]—Perhaps so; perhaps, the right hon. Baronet may only make bad worse. I am told that one of the results of his speech was, that on Saturday a number of peers assembled and agreed to resolutions declaring that they would assist in carrying out his principles to the fullest extent. I wonder how the right hon. Baronet reconciles that speech with the letter he wrote when Lord Fitzwilliam was removed from the Lord-lieutenancy of Yorkshire, and when he resigned his commission in the Yorkshire Hussars. This is the letter, it is addressed to Lord de Grey:—

"Netherby, October 27.

"My Lord,—I sincerely regret the painful necessity which compels me to tender the resignation of my commission in your Lordship's regiment of Yeomanry Cavalry.

"I am aware that the moment, which has been forced on me by recent events, may appear to your Lordship most inopportune; but fearless of censure, and regardless of misapprehension, I do not hesitate to avow my public reason.

"The removal of Earl Fitzwilliam from the Lord-lieutenancy of the West Riding would seem to indicate intentions on the part of the Government which I hope never to see realiz-



ed; and though a humble individual, I am unfit to serve in a body of men raised for constitutional purposes which that noble Earl is unfit to direct. I therefore beg leave to tender my commission.

"With strong feelings of personal attachment to your Lordship, and sincere regard for a corps to which I thought it an honour to belong, I am, my Lord, your faithful and obedient servant.

"J. R. G. GRAHAM."

Now, that letter was a credit to the right hon. Baronet. Lord Fitzwilliam was dismissed because he exercised the constitutional privilege of an Englishman, to attend a public meeting assembled to inquire into and petition respecting the circumstances of the Manchester massacre, and the right hon. Baronet threw up his commission in the yeomanry because he thought that according to the strict letter of the law Lord Fitzwilliam had a perfect right to attend that meeting. Well, and that was all the Irish magistrates had done. They had attended public meetings to petition for an alteration of an act of Parliament, and it was for exercising that constitutional privilege that they were dismissed. The right hon. Baronet thought that Lord Fitzwilliam had properly exercised that right, and he now asked that right hon. Baronet—did the Lord Chancellor, in alluding in his letter to certain proceedings in Parliament derive his information from the Government or from any other source? If he derived it from the public press, he (Mr. Duncombe) maintained, that he had no right to act on such information—if he derived it from the Government, or from Members of the Government, he certainly had a right to act on it; but then the magistrates dismissed, should have been put on the same footing, and the same communication should have been made to all. Suppose Lord Ffrench had replied to the Lord Chancellor—"I don't know anything about declarations in Parliament—I am not bound to know anything of them—I look at the votes, the authorised publications of the House, and I find that they contain no Message from the Crown." Suppose Lord Ffrench, in reply to the Lord Chancellor had asked, "Where am I to find the proceedings you refer to?" what would the Lord Chancellor have replied? He, in the name of the Irish magistrates, now demanded that reply, and he hoped it would not be refused.

Sir J. Graham must plead guilty to having abstained in the first instance from taking any notice of what had fallen from the hon. Gentleman; and if the House should desire to know why he had so abstained, he thought they might find that he was amply justified by the observation which had fallen from the hon. Member, to the effect that it was his purpose to prevent their going into committee. [Mr. Duncombe: I never said so.] The hon. Member declared he had never said so; he thought he had heard the hon. Member say so, but since the hon. Member denied having said so, he supposed he must accept that denial. The hon. Gentleman had taken offence at his not having condescended a reply in the first instance. Now, he appealed to the House whether any Minister of past or present times had ever shown greater readiness than he had to answer any question, or to give any information on matters of public interest that it was in his power to afford. But he must say, that although a Minister, he felt entitled to plead in debate the privilege of an individual Member, and he could not think that he was responsible for a reply when any Member might think fit to put a question, in tone and manner similar to that of the hon. Gentleman. He repeated, that under such circumstances, he was not called on to rise and answer any question that might be propounded. With respect to this question he could not but think, whether he regarded it as a Minister, or as an individual Member, that the language used by the hon. Gentleman, the application of the words "pitiful, paltry, and cowardly," were so far from courteous as at least to afford him an excuse for not answering such allegations. Nor, perhaps, should he have risen to enter upon the question, did he not think it due to the Lord Chancellor of Ireland to state what he had to say. In the most offensive form the hon. Gentleman had twitted the Government with the declaration of his right hon. Friend, that it was the fixed purpose of her Majesty to use all the just powers of the Crown, to preserve the Legislative Union unimpaired. That declaration was notorious throughout the United Kingdom. He said it was known to the Irish Government; he said more—he did not hesitate to declare that express instructions were conveyed by himself on the part of himself and his Colleagues to the Irish Government, to mark the displeasure

of her Majesty's Government, at the conduct of those magistrates who attended meetings for the purpose of furthering the cause of Repeal in the present state of Ireland. When his Colleagues and himself considered the character of those multitudinous meetings of persons collected out of many counties and from distant points in martial array, and with bands of music, and when they considered the danger to the public peace and the terror that was likely to be caused to the people of Ireland by such exhibitions, he did not hesitate to declare that he had written to the Lord Chancellor of Ireland to point out, on his responsibility, that the time had arrived when it was necessary to exercise the undoubted power of the Sovereign, and not to continue in the commission magistrates when it was manifest they were pursuing a line of conduct inconsistent with their public duty, and fatal to the peace of the kingdom. He now announced to the hon. Gentleman, that he was responsible for the advice he gave.

Lord J. Russell was very glad that the hon. Gentleman had drawn from the right hon. Baronet the declaration he had just made. He really thought that hitherto, as a constitutional question, the dismissal of the Irish magistrates had been left on most unsatisfactory grounds, after the first letter from the Lord Chancellor of Ireland which had been produced in the House, and after the other letters from the same authority. But if her Majesty's Government were of opinion, that there had been meetings in Ireland, attended by great numbers, and under circumstances calculated to inspire terror, and that there had been a succession of such exhibitions, of a character having a tendency to popular commotion — that such opinions being entertained by the Government furnished a ground for the Secretary of State to write to the Lord Chancellor of Ireland as the right hon. Gentleman had described. That he considered was a sound and constitutional ground. He was not discussing the question of the dismissals, or what was the reason of them; but if there were those grounds, which he had referred to, for the right hon. Baronet to act upon, he thought the right hon. Baronet ought to produce the letter he wrote empowering or directing the Lord Chancellor of Ireland to act as he had with respect to those dismissals, with the grounds

and distinctions on which they were made, because the matter was by the Lord Chancellor of Ireland placed on other grounds, which were not only unsatisfactory, but failed on every point. In the first place, it was not a mere technicality that the debates of that House were not notice to the Lord Chancellor of Ireland of the intentions of her Majesty's Government, and for a public act some public reason and some public document was required. In the next place, he must say that this conduct of the Lord Chancellor's appeared, on the face of it, to be an unjust interference with public discussion. It was strange to say, that, because Ministers thought any specific object was disadvantageous to the country, then every magistrate who attended a public dinner or a meeting in furtherance of that object should be dismissed. Why, the very next week they might have the repeal of the Corn-laws put under the ban. It was important, therefore, to mark the distinction and have the matter put upon sound and constitutional ground, not that of the Lord Chancellor of Ireland's letter, but this,—that if magistrates had attended meetings which were dangerous to the public peace and accompanied with circumstances of terror, they ought not to be allowed to remain in the commission. But no declaration in the House of Commons made it improper for them to attend those meetings; far less would such declarations render it improper for individuals to hold such sentiments with respect to repeal as numbers of persons held in Ireland.

Viscount Jocelyn said, that he had given notice in the usual way of his intention to put a question, and at the time he had given the notice he had no connexion with the household of the Lord-lieutenant of Ireland.

Mr. Redington could not help remarking the discrepancy between the mode in which the right hon. Baronet had formerly answered his questions on the subject now before the House, and his present explanation; and he would say, that if the Lord Chancellor of Ireland had not before this dismissal of Lord French received any instructions from the Government, he thought the Lord Chancellor had committed one of the most unjust and most unconstitutional acts and one of the greatest breaches of the privileges of the House of Commons that ever took place.

Sir J. Graham had said, that the Lord



Chancellor of Ireland had exercised his discretion, and that it was a matter within his own jurisdiction. But before exercising that discretion, the Lord Chancellor of Ireland had communications with the Lord-lieutenant—which communications were of a confidential nature—and he was then of opinion that the time had arrived when it was necessary to adopt some decisive steps.

Mr. *W. S. O'Brien* said, that the Lord Chancellor of Ireland in superseding these magistrates, had alluded to a declaration which had been made in that House of Parliament by a Member of the Government. He could only have obtained that information from the public prints. He wished to ask Mr. Speaker whether any individual, be he a newspaper editor or a Lord Chancellor of Ireland, had a right to take the statements of the public press as authority with respect to communications between her Majesty and that House, and to act upon information derived from such sources.

Viscount *Howick* had not intended to take any part in this discussion; but he thought this incidental point as to the dismissal of magistrates was left in a state of doubt and uncertainty which required some further elucidation. His noble Friend near him had asked the right hon. Baronet opposite, whether he was prepared to lay on the Table of the House the official communications with the Lord Chancellor of Ireland which had led to these dismissals, and the right hon. Gentleman replied, decidedly not. After hearing that answer, he (Lord *Howick*) must say, that he deeply regretted the course pursued by the Government. They were well aware that one of the great misfortunes under which Ireland laboured, was that wide difference of opinion existing between the great body of the people, and those classes from whom the magistrates were generally selected; and the people of Ireland had not that confidence in the administration of the law which was desirable. It was, therefore, in the highest degree important, that the dismissal of magistrates who were supposed to possess the confidence of the great body of the people, should, if possible, be avoided. If the Government did determine that magistrates who encouraged the repeal agitation should not be allowed to hold the commission of the peace, they ought to have given some intimation of that

resolution. The Government of Ireland had, however, without any warning, acting upon a declaration made in that House, which was no constitutional ground for the course they adopted, dismissed several gentlemen from the commission of the peace. Though he was as anxious as the right hon. Gentleman to maintain the act of Union, he could not forget, that it was open to discussion. If the Government had stated to the magistracy, "You are at liberty to entertain what opinions you please as to the repeal or maintenance of this Act of Parliament; but in the present circumstances of the country the agitation is dangerous to the public peace, and if you sanction it we cannot allow you to continue in the commission," they would have pursued a proper course. But the dismissals had taken place without any such warning having been given; and many gentlemen, conceiving that an unjust interference had been exercised, with regard to the expression of public opinion, had resigned the commissions which they held. He must say, that he thought, considering the present situation of Ireland, the Government were deeply responsible for their mismanagement in a matter of so much importance; and he regretted, that there was not in existence such a formal and official letter on this subject from the Government in this country to the authorities in Ireland as the right hon. Baronet (Sir *J. Graham*) might have ventured to produce. It was evident that no such document existed. He thought, before such a step as this was taken, the grounds on which it was adopted should have been clearly stated in official despatches, which might have been submitted to the House.

Sir *J. Graham* said, that previously to the declaration of the right hon. Baronet, at the head of her Majesty's Government in that House, several communications had passed between himself, the Lord Chancellor of Ireland, and the Lord-lieutenant of that country, with respect to the attendance of magistrates at repeal meetings.

House went into committee on the bill.

On the first clause,

Mr. *Redington* moved, that the consideration of the first clause be postponed. He thought the statement of the right hon. Recorder for the city of Dublin (Mr. *Shaw*), that he considered the new clauses introduced into the bill very unimportant, was an additional justification of their opposition to the measure; and he hoped

this admission would have some weight in inducing her Majesty's Government to abandon the more stringent clauses. Even as the clause had been altered, though it might be palatable to the gentry, it was very unpalatable to the people.

After a brief conversation in which Viscount Clements and other hon. Members declared it to be their intention to oppose the clause to the utmost, the committee divided on the question that the clause be postponed:—Ayes 74; Noes 177: Majority 103.

#### *List of the AYES.*

Aglionby, H. A.	Mangles, R. D.
Archbold, R.	Marshall, W.
Baring, rt. hon. F. T.	Morris, D.
Barnard, E. G.	Napier, Sir C.
Barron, Sir H. W.	Norreys, Sir D. J.
Bell, J.	O'Brien, J.
Bodkin, J. J.	O'Brien, W. S.
Bowring, Dr.	O'Connell, M. J.
Brotherton, J.	O'Conor Don
Browne, hon. W.	O'Ferrall, R. M.
Buller, C.	Palmerston, Visct.
Cavendish, hon. C. C.	Parker, J.
Cavendish, hon. G. H.	Pechell, Capt.
Chapman, B.	Philips, G. R.
Colebrooke, Sir T. E.	Pigot, rt. hon. D.
Corbally, M. E.	Rice, E. R.
Craig, W. G.	Roche, Sir D.
Crawford, W. S.	Ross, D. R.
Curtéis, H. B.	Russell, Lord J.
Dawson, hon. T. V.	Russell, Lord E.
D'Eyncourt, rt. hn. C.	Scholefield, J.
Duke, Sir J.	Scott, R.
Duncombe, T.	Stuart, Lord J.
Dundas, Adm.	Stuart, W. V.
Easthope, Sir J.	Strutt, E.
Ebrington, Visct.	Thornely, T.
Esmonde, Sir T.	Trelawney, J. S.
Ewart, W.	Tufnell, H.
Ferguson, Col.	Tuite, H. M.
Granger, T. C.	Ward, H. G.
Hawes, B.	Watson, W. H.
Hindley, C.	Wawn, J. T.
Horsman, E.	Williams, W.
Howard, P. H.	Wood, B.
Hutt, W.	Wyse, T.
Labouchere, rt. hn. H.	
Langston, J. H.	
McTaggart, Sir J.	

#### TELLERS.

Redington, T. N.  
Clements, Visct.

#### *List of the NOES.*

Ackers, J.	Baird, W.
Acland, Sir T. D.	Baring, hon. W. B.
A'Court, Capt.	Barrington, Visct.
Acton, Col.	Baskerville, T. B. M.
Antrobus, E.	Beckett, W.
Archdall, Capt. M.	Bentinck, Lord G.
Arkwright, G.	Bernard, Visct.
Ashley, Lord	Blackburne, J. I.
Bailey, J., jun.	Blackstone, W. S.
Baillie, Col.	Blakemore, R.

Boldero, H. G.	Hervey, Lord A.
Borthwick, P.	Hodgson, R.
Botfield, B.	Holmes, hn. W. A'C.
Boyd, J.	Hope, hon. C.
Bradshaw, J.	Hope, A.
Bramston, T. W.	Hope, G. W.
Broadley, H.	Hornby, J.
Bruce, Lord E.	Hughes, W. B.
Buller, Sir J. Y.	Hussey, A.
Bunbury, T.	Hussey, T.
Burrell, Sir C. M.	Ingestrie, Visct.
Chetwode, Sir J.	Jermyn, Earl
Chute, W. L. W.	Knatchbull, rt. hn. Sir E.
Clayton, R. R.	Knightley, Sir C.
Clerk, Sir G.	Lefroy, A.
Codrington, Sir W.	Lennox, Lord A.
Collett, W. R.	Lincoln, Earl of
Colquhoun, J. C.	Lockhart, W.
Colville, C. R.	Lowther, J. H.
Connolly, Col.	Lowther, hon. Col.
Copeland, Mr. Ald.	McGeachy, F. A.
Corry, rt. hon. H.	Mahon, Visct.
Courtenay, Lord	Mainwaring, T.
Cripps, W.	Manners, Lord C. S.
Darby, G.	Marshall, Visct.
Denison, E. B.	Martin, C. W.
Dickinson, F. H.	Masterman, J.
Dodd, G.	Maxwell, hon. J. P.
Drummond, H. H.	Meynell, Capt.
Dungannon, Visct.	Morgan, O.
Du Pre, C. G.	Mundy, E. M.
East, J. B.	Neeld, J.
Egerton, W. T.	Neville, R.
Egerton, Sir P.	Newdigate, C. N.
Eliot, Lord	Newry, Visct.
Escott, B.	Nicholl, rt. hon. J.
Farnham, E. B.	Norreys, Lord
Ferguson, Sir R. A.	Northland, Visct.
Ferrand, W. B.	Packe, C. W.
Flower, Sir J.	Peel, rt. hon. Sir R.
Forbes, W.	Peel, J.
Fox, S. L.	Pennant, hon. Col.
Fuller, A. E.	Plumtre, J. P.
Gaskell, J. Milnes	Polhill, F.
Gladstone, rt. hn. W. E.	Praed, W. T.
Gladstone, Capt.	Pringle, A.
Glynne, Sir S. R.	Pusey, P.
Gordon, hon. Capt.	Rashleigh, W.
Gore, W. O.	Repton, G. W. J.
Gore, W. R. O.	Richards, R.
Goulburn, rt. hon. H.	Rolleston, Col.
Graham, rt. hn. Sir J.	Rose, rt. hon. Sir G.
Granby, Marq. of	Round, C. G.
Gregory, W. H.	Round, J.
Grimsditch, T.	Rous, hon. Capt.
Grogan, E.	Rushbrooke, Col.
Hale, R. B.	Russell, J. D. W.
Hamilton, J. H.	Sanderson, R.
Hamilton, G. A.	Scarlett, hon. R. C.
Hamilton, W. J.	Shaw, rt. hon. F.
Hamilton, Lord C.	Sheppard, T.
Hardinge, rt. hn. Sir H.	Sibthorp, Col.
Hardy, J.	Smith, rt. hn. T. B. C.
Hayes, Sir E.	Smollett, A.
Heneage, G. H. W.	Somerset, Lord G.
Hepburn, Sir T. B.	Sotheron, T. H. S.
Herbert, hon. S.	Spry, Sir S. T.



Stanley, Lord  
Stuart, H.  
Sutton, hon. H. M.  
Talbot, C. R. M.  
Tennent, J. E.  
Thesiger, F.  
Thornhill, G.  
Tollemache, J.  
Trench, Sir F. W.  
Trollope, Sir J.  
Tyrell, Sir J. T.  
Vane, Lord H.  
Verner, Col.

Vesey, hon. T.  
Vivian, J. E.  
Waddington, H. S.  
Wellesley, Lord C.  
Williams, T. P.  
Wood, Col.  
Wortley, hon. J. S.  
Wortley, hon. Jn. S.  
Wynn, Sir W. W.  
Young, J.  
TELLERS.  
Fremantle, Sir T.  
Baring, H.

On the question being again put, it was moved, that the Chairman report progress.

House resumed. Committee to sit again.

WOOLLEN MANUFACTURES.] Mr. Gladstone moved the second reading of the Woollen Manufactures Bill.

Mr. *B. Ferrand* expressed a hope that the right hon. Gentleman would give the House to understand that there would be some alteration of the clause which enabled any constable or peace-officer to enter any house and search for materials without a warrant, and to seize any house-keeper without a warrant and lodge him in prison. He had received many communications, expressing great surprise that a bill granting such power to a petty officer without warrant, should have been introduced. He hoped to receive some pledge, that the clause should be so altered as to prevent the exercise of such a power.

Mr. *Gladstone* hoped to be able to meet the objection of the hon. Member when the bill went into committee.

Bill read a second time.

House adjourned at a quarter-past one o'clock.

## HOUSE OF LORDS,

Monday, June 26, 1843.

MINUTES.] BILLS, Public.—1<sup>st</sup>. Apprehension of Offenders (United States); Apprehension of Offenders (France).

Reported.—Roman Catholic Oath (Ireland).

3<sup>rd</sup>. and passed:—Princess Augusta's Annuity.

Private.—1<sup>st</sup>. Lough Foyle Drainage.

2<sup>nd</sup>. Aberdeen Harbour; Borrowstownness Harbour.

Reported.—Southampton Docks; Waldegrave's Estate; Leighton Bussard Inclosure; Drumpeller Railway; Bolton Waterworks.

3<sup>rd</sup>. and passed:—Southampton Cemetery; Topsham Improvement; Ballochney Railway; Northampton and Peterborough Railway.

PETITIONS PRESENTED. By Lord Cottenham, from Gainsburgh, Cambridge, Ely, and Shrewsbury, for Inquiry

into Bankruptcy Law Amendment Act.—By the Earl of Powis, from Badger, for Church Extension.

TOWNSHEND PEERAGE.] Lord *Brougham* said, the newspapers had given a speech professing to be delivered in another place by the Earl of Leceister. The hon. Member was reported to have said that he (Lord Brougham) had no authority from the hon. Member's mother for the statement he had made in his place, and that he had it not from her directly, but from Mr. Ridgway agent of the hon. Member's so-called father, and that Mr. Ridgway was a most honest and respectable man. In his own vindication, and to show that he had ample authority for what he had stated, and that it came from the Marchioness Townshend herself, as well as that he had understated it, and that he might have said a good deal more, he would beg to read to their Lordships a letter addressed to him on the morning after the speech to which he referred was made, by Mr. Ridgway, who was justly said by the hon. Member to be a most respectable and honest man. The letter was as follows,—

(Copy) " 169, Piccadilly, June 23, 1843.

" My Lord—Observing a speech of the Earl of Leicester in the House of Commons last evening, in which he is reported to state that no such communication as that made by your Lordship, on Lady Townshend's behalf, had been authorised by her Ladyship, I feel called on, being the channel through which the communication was made, to state the facts. The Marchioness Townshend called on me in Piccadilly, smarting under the odium which attached to her Ladyship, in consequence of the proceedings then pending in the House of Lords, and requested me to disabuse your Lordship of the impression that she had been a willing party to the attempt to impose her children on the Townshend family; the real history of the transaction being, that the whole proceeding, commencing with the baptism of the children in 1823, was planned and executed by Mr. Dunn Gardner and Mr. Margetts, and in direct opposition to her wishes; that she was then, and had been always strongly opposed to it, but that her objections were overruled by her father and Mr. Margetts. Three days after the interview, her Ladyship requested me to authorise, beg, and entreat your Lordship, as an act of justice to herself, to make this statement in the House of Lords before the case was closed.

" I have abstained from alluding further to her Ladyship's communication, as your Lordship was of opinion it could not be stated.—

I have the honour to be, my Lord, your Lordship's most obedient and faithful servant,

"JAMES L. RIDGWAY.

"The Right hon. the Lord Brougham."

This was sufficient proof that he (Lord Brougham) had not acted as a volunteer, officiously intermeddling with the family affairs of the parties, when he made the disclosure with respect to these proceedings on the part of the Marchioness, and that she begged it to be made as an act of justice to herself.

Subject at an end.

**BANKRUPTCY ACT.]** Lord *Cottenham* rose, he said, in pursuance of notice, to call their Lordships' attention to the effects of the change made in the law relating to bankruptcy by the act of last session. He believed he should be able to satisfy their Lordships that the alteration then introduced was not only unnecessary, but that it had been in its operation very prejudicial. The remedy was easy; it would have been more easy, undoubtedly, to have provided a proper remedy before the act of last session was passed; but whether easy or not, if he succeeded in demonstrating the great evils which that system had produced, it was his hope that their Lordships would feel themselves obliged at any cost to apply a remedy. It was not his intention to blame those who took part in passing this bill; his sole object was to remedy what he believed to be a great public mischief, and if his noble and learned Friend on the Woolsack, when this discussion was closed, were satisfied that the mischief was in fact attributable to the act of last session, he hoped to have his assistance in framing a measure for its removal. The first point to which he should wish to direct their Lordships' attention, was, the particular locality of the several courts established throughout the country for the administration of the law. He should not ask their Lordships to follow him through any legal argument; but he would state a few facts to show the nature of bankruptcy transactions, and to lead to the conclusion that courts situated at a great distance from the residence of the parties whose affairs were to be administered, could not possibly do justice to them. The object of the laws of bankruptcy was, when a trader became insolvent, to secure the property for the benefit of those who had claims on it; next, to administer it faithfully; and lastly, to discharge the trader, after he had given up his assets, and they had been divided

among those who had claims on them, from further liabilities. These laws had originated in an act of Henry 8th, but had not been extended into anything like a system till the reign of Elizabeth. It was obvious, that, as the object of the law was to take away the property of the insolvent, it became necessary to have a test of insolvency; therefore the act of Parliament adopted certain criterions whereby to test insolvency, as, for instance, when a man shut up shop, and denied himself to his creditors, or when he absconded from his creditors, this was deemed to be fair ground for a commission of bankruptcy. This law was applicable only to persons carrying on trade. A man applying to have the bankruptcy law carried into effect, had to prove himself a creditor, as well as that his debtor was a trader, who had committed an act of bankruptcy, otherwise the law would not impose its liabilities on him. When a person applied for a commission he had to go before the commissioners and establish these three propositions. The commissioners then allowed further proceedings, and a commission was issued to ascertain who were the creditors, and divide the estate among them. The next step was for an officer of the court to take possession of the estate, as far as it could be laid hold of. He mentioned these steps with the view of showing that every step taken under a commission of bankruptcy required the administration to be on the spot, or as near it as possible. If the court were 100 miles off, it was obvious that very great expence must be incurred. When the estate was to be seized by means of a messenger, if the court were in the neighbourhood, it was no expence for the messenger to go and possess himself of it; but if it were situated at any great distance, it was quite obvious that great expence must be incurred by the employment of a messenger for that purpose. The next step was the choice of assignees, who had the duty cast upon them of collecting the estate, and dividing it among the creditors. The assignees were elected by the creditors, and all these things must be attended with great expence if the place of the bankruptcy was situated at a great distance from the court. If it was in the neighbourhood, it would be easy to manage this business; but if the persons had to travel to a distance, they would either not go at all, or go at great expence and inconvenience. Another step was the proof of the debts, which must be done by the creditors going before the commissi-



oners in person, or making affidavit. That could not be done without great expense if the court was situated at a distance from the residence of the bankrupt. Again, the realizing of the estate would be difficult and expensive if the officers must act at a distance from the authority under which they were commissioned. Then came another proceeding—the division of the estate among the creditors. He had not the means of stating the exact average dividend in country bankruptcies, but he could give an approximation to the correct sum, and he believed he would be considerably overstating the amount at 5s. in the pound. It had been stated so low as 2s. 6d. In country bankruptcies, the greater proportion of the creditors were for small debts, and when the sum was divided by four, the interest of the creditor was very much reduced, and he had but a small amount to receive. How then was he to receive it, if the court were far off? Was he to go perhaps 100 miles to the place where it was to be distributed, to receive, perhaps, 2l. 5s., or was he to send some one in his place? Coming, lastly, to the grant of the certificate, which was formerly at the option of the creditors, but was now the business of the commissioner, whose duty it was to hear any objections that might be made by creditors, if the creditor attended at all for that purpose, it must be at the inconvenience of a long journey. It was quite obvious, that, having got all he could expect from the estate, he would not be induced to undertake that journey from a sense of justice alone, to prevent an unworthy person from obtaining a benefit. He apprehended no further statement was required to satisfy their Lordships that these several duties could not be properly performed except by a jurisdiction near the residence of the bankrupt. From the time of Queen Elizabeth to the close of last session of Parliament this system was adopted. There were no regular courts of Bankruptcy except in London, but each case had a court established for the particular purpose of trying it; and there were courts of commissioners in all the considerable towns of the country, to whom, on a bankruptcy happening in the neighbourhood, authority was deputed by the Great Seal to do what was necessary to be done for the execution of the bankruptcy laws in that particular case. There were in all about 140 lists of barristers and solicitors, whose courts were held on such occasions as near as possible to the place where the

bankrupt lived. The Northampton petition stated that during the year preceding the commissioners had met in no less than 300 courts or places for the purpose of administering the bankruptcy laws. This system was not unobjectionable. It was not always possible to obtain competent persons in so great a number, each of the lists containing five, to exercise those duties, and it might also occur that they might have some connection with those whose affairs they administered. This inconvenience had been long felt, and he had on several occasions unsuccessfully endeavoured to induce their Lordships to apply a remedy. That which suggested itself to him was, to divide the country into districts, to place two persons in each, one of whom should reside at the principal place, and the other go a circuit within the district, holding sittings in the most considerable places, for the purpose of administering that part of the business which could not be conveniently transacted at a distant point. This was recommended by the commission which made a report in 1841, and which suggested several alterations in the law, independently of the mode in which it was to be carried into effect. All those alterations required the administration of the law to take place in the immediate neighbourhood of the scene of the bankruptcy. One alteration provided that if the bankrupt was likely to run away he might be arrested, and it provided very properly, that, being arrested, he should have immediate means of applying to the court for his discharge, if the grounds for his arrest could not be shown to be good. There was another important alteration recommended by the commission. A great hardship often arose from the possibility of a man's being declared a bankrupt without his knowing anything about it. Many a man who was quite solvent had found himself, to his great surprise, advertised as a bankrupt. This system was originally adopted as a precaution against a bankrupt's making away with his property, as he might do if he had notice of the proceedings instituted against him. The alteration in question went to stipulate that if the bankrupt could satisfy the commissioners that there had been no good ground for those proceedings they should go for nothing. He had stated, that, formerly, the assignees to a bankruptcy were chosen by the creditors. Since then an alteration had been introduced, by which official assignees were appointed to look after the

estate, and in London, he believed, this alteration had been productive of great benefit. The creditors in London had not the time to look after the estate of a bankrupt, and he believed, that in consequence of the change in the system a great mass of property had been saved. But it was obvious that the official assignee ought to be near the property which he was expected to look after. By the act of last session, the system of official assignees was extended to the country. But suppose the property to be realised lay fifty or a hundred miles away from the official assignee, great expence must in that case be incurred, and the estate would derive little benefit from it, the creditors losing the security which it was intended they should derive from the active interference of a well-informed person. So much of the report of 1841 as was adopted produced the act of last session. By an order in Council, the London district was greatly extended; in one direction 122 miles, so as to include Yarmouth. He would now state some of the towns that had been deprived of their own courts and been obliged to go to a considerable distance for all bankruptcy proceedings. Nottingham, with 80,000 inhabitants, had to go fifty miles; Boston, with 14,000 inhabitants, had to go one hundred miles; Louth, with 60,000 inhabitants, ninety miles; Yarmouth, with 25,000 inhabitants, one hundred and twenty-two miles; and Norwich, with a population of 72,000, one hundred and twenty-two miles. From the return of 1841 it appeared that of the fiats sued out, 1,714 executed in places not now enjoying the benefit of a local court. In 866 of those fiats, the distance the parties would have to go was 40 miles, and in 176 it was as much as 80 miles. The majority of the debts in those fiats was under 10*l*. A petition from Leicester stated the details of five fiats, in which of 213 debts, 117 were under 5*l*. and 75 under 10*l*, and no less than 178 creditors proved in person. In many of those cases the dividend would not pay the expenses of the creditors' journey, and the natural consequence would be, that the system would act as a great discouragement to the creditor troubling himself at all in the matter. Not only had the creditor to make a long journey and to be at great expence of money, time and trouble on his own account, but he would often be put to additional expense in taking his witnesses with him, and thus the mere show of opposition might be sufficient to

induce an honest creditor to abandon his claim altogether. In the statement from Northampton, signed by the solicitors of the town, it was shown that the expense of opening a fiat had been so much increased by the removal of the court to a distance, that the costs often amounted to 20*l*. and even to 40*l*. In the statement of 149 London solicitors acting as the agents of 1,200 country solicitors, embodying therefore to a large extent the information of that branch of the profession best acquainted with the law of bankruptcy, the expenses of opening a fiat were stated to amount to from 30*l*. to 60*l*. owing to the great distance which parties had to travel themselves, and take their witnesses, and the result, of course, was a great waste of the estate at the very commencement. All these expenses were naturally owing to the system established last year. It appeared that the rate of remuneration allowed was 6*d*. a mile, and 1*l*. 6*s*. 8*d*. a day besides. Suppose the estate to be taken possession of was 100 miles off, the messenger would have to be paid his travelling expenses there and back. Was he, then, to remain there? There was no difficulty in his doing so when the estate was in the same town as the court; but if the messenger was sent to one place 100 miles off, and to another in an opposite direction fifty miles off, he could not of course remain to take charge of both. The consequence was, he must employ an agent, and this they would find, by referring to page 182, he was expressly authorised to do; and it was moreover directed, that after an agent had been appointed, the messenger himself was not to go again without an especial order. The official assignee never went at all. What chance was there, under such circumstances, that the estate would ever be properly realised? The books had, of course, been carried away, and put into the hands of the official assignee. The parties were probably at Yarmouth, the books in London. The messenger was not to go down again without a special order. The agent was probably a common person, with little or no information. What under such circumstances was to become of the interests of the creditors? The next step was the choice of the assignees. He had already stated, that a large proportion of the creditors had not a sufficient interest to induce them to undertake the trouble and expence. If they resided in the same town in which the court was placed, and if they exercised the right of electing the



assignees, no doubt they would look after their own interests, even when the amount was inconsiderable, because they might do so without any material sacrifice of time and trouble. Another point to which it was necessary he should refer was this. It was very desirable that throughout the proceedings the bankrupt should himself be present to explain every point that might appear to be obscure. The official assignee had the books, it was true, but in many cases the books proved nothing. A question might arise whether a debt that appeared on the books should be sued for or not. Without some explanation from the bankrupt, it might often be impossible to know whether it would be expedient to incur the expense of doing so. Then, if a creditor came to prove a debt, who was to know whether he ought to be allowed to prove? The bankrupt might know, but how could the official assignee? At almost every moment, matters arose on which those who had to administer the estate, must have information from the bankrupt. The next, and the most important of all the points to which he should direct their Lordships' attention, was the effect of this bill on the small creditors. He had already stated, that a large proportion of the creditors were for sums under 10*l.* and 20*l.* The petitions which had been presented to the House showed that the creditors for these sums lost all the benefit of the new enactment. The expense and trouble necessarily incidental to proving a claim of this description were such, that they preferred abandoning their rights to attending upon these Courts of Bankruptcy. It was so stated in the petitions; and all his experience tended to confirm those allegations. What was the effect of this? To take their property out of the hands of the small creditors, and to put it into the hands of the rich creditors. The latter, of course, thought it worth while to prove their debts, and they were willing to incur expense, for they were sure to derive a benefit from it. But they have another advantage. Of course, the sums belonging to poorer creditors, when not claimed, go to swell the fund, to be divided amongst the rich. So that the effect was to take their property from those least able to bear the loss, and to hand it over to those who had the strongest interest in the commission, and were best able to bear the expenses of its proceedings. He had stated, that these creditors of 10*l.*

and 20*l.* were generally excluded. That this must be so, was proved from the mere calculation of the expenses necessarily incurred, either in taking a journey to the court of the commissioner, or in arming themselves with an affidavit to make that proof. The petitions stated, that the expense of employing an attorney and drawing up an affidavit was from 30*s.* to 3*l.*, and this expense was to be incurred for the chance of getting at some future period, perhaps, a dividend of 50*s.* This calculation showed, that it was no rash statement to say, that such creditors were actually excluded from all the benefit of this measure. What he had stated hitherto was the obvious result of the arrangements which had been made under this system, or was derived from the petitions of solicitors, or from returns on the Table of the House. He was furnished, however, with particular instances which fell in with what he said, and confirmed what he had attempted to establish. If their Lordships appointed a committee, these parties were ready to verify the statements they supplied to him; if they were not, of course those statements would fall to the ground. He should avoid stating the names of the parties, but the first occurred at Bodmin, forty-four miles from Exeter, where a chief commissioner was appointed. The bankrupt stated, that fifteen months before the commission, his property was worth 8,779*l.*, while 700*l.* was all that was realized under the bankruptcy. It appeared, that but two creditors under 10*l.* proved, and the greater number abandoned their claims. There was another case at Leicester, 112 miles from a chief court. The balance sheet of the bankrupt showed he had eighteen creditors, but not one of them proved. The petitioning creditor consequently got the whole of the estate. This only proved, that the people of Leicester had a fund of good sense, which prevented them from pursuing a phantom they were never likely to catch; namely, a bankrupt estate administered 112 miles from the residence of the bankrupt. There was another case supplied him from a place in Shropshire, which was seventy-four miles from a principal court, where only four creditors proved, and these were for sums above 100*l.*; all the others abandoning their claims. It was unnecessary to trouble their Lordships with more of these cases; he had stated enough to show that the present system tended to the great waste of the es-

tate, and the great hardship of small creditors. But let its general effect be also considered. When an estate was administered 100 miles from a place where a man lived, he was pretty sure not to be much troubled with creditors who could prove. Where the commission was taken out for a fraudulent purpose, and to secure the trader against future liability, it was no bar to the creditor that he lived at a distance from the chief court of the commissioners; but it was a denial of justice to the *bonâ fide* creditor. Not only did this power of attracting all the cases to the chief court in each district operate favourably to the person who was anxious to commit fraud, but it had a powerful effect in tempting to the commission of fraud. The man disposed not to act fairly, might do so with impunity under the new system. Formerly, the creditors had it always in their power, when they suspected fraud, to have the commission issued to the place of residence of the bankrupt. That security was now gone for the creditor; but it remained in full force where it was the object of the fraudulent bankrupt to get the debts proved at a great distance from the places where the creditors resided. This was the case on which he did not ask their Lordships to come to a final resolution; but had he not stated enough to show that the alteration of the law was necessarily productive of great injury, and was proved to have been so by the experience of the solicitors who had petitioned, and by the returns on the Table. He asked their Lordships to appoint a committee, by which the facts he had stated might be investigated. He could not suppose, that the circumstance of the bill being brought in by his noble and learned Friend would induce him to adhere to it at all events, and even after it was proved by the evidence he had brought forward, that it did not answer its purpose. He hoped, their Lordships would not allow the Session to close, and leave in operation a system which was a denial of justice to all creditors of insolvents for a small sum. The noble and learned Lord concluded by moving for a select committee to inquire into the operation and effect of the Bankruptcy Act of last Session.

The Lord Chancellor rose with great reluctance to oppose the motion of his noble and learned Friend, and to occupy for a time the attention of their Lordships on a subject which, however important in its results, was most uninteresting, from

the mass of the details with which it was necessarily burthened. But it would be his duty to refer to those details, because upon them the measure which his noble and learned Friend condemned was founded, and because by them that measure was to be justified. He considered the motion of his noble and learned Friend extraordinary and unprecedented. The bill to which it referred had only come into operation in November last. It comprehended a variety of details which could not be satisfactorily settled, save by the result of a long experience. It included the co-operation of a great number of persons by whose skill and energy it was to be carried into execution—and so to take it out of the hands of the Government before time was given them to modify its provisions, to cure its defects, to institute inquiry as to its practical working, seemed to him a course imprudent and unjustifiable. It was the more imprudent and unjustifiable from this circumstance—that all the objections which had been raised by his noble and learned Friend, or by the petitioners, whose case he had advocated, arose from the formation of the districts, and from the location of the particular persons who were to carry out the system. He was aware, and their Lordships must be aware also, that the formation of the different districts, and the appointment of the various officers to the different places, could only be properly and finally settled by the result of a long experience; and indeed, so well aware had their Lordships been of this, that, in the bill itself, they had not attempted to point out what the districts should be, or how the different officers should be allotted to the respective places. They saw that it would have been most imprudent to pursue such a course, for if they had, it would have been impossible to alter, at a subsequent period, the original division, without again coming to Parliament. They, therefore, referred to her Majesty in council, the original appointment of the places, and they gave to her Majesty in council the power of subsequently altering the districts, if it should be thought prudent so to do. Under these circumstances, the motion of his noble and learned Friend was, to say the least, premature. His noble and learned Friend, before he had made such a motion, ought to have allowed sufficient, even ample time for the full development of the system in all its parts. What was that system? What was the principle of the bill to



which their Lordships had consented last Session? A district of forty miles around London had for many years been included within the jurisdiction of the Court in London. In pursuance of recommendations from most influential and well-informed parties—merchants, bankers, commercial men of the first eminence—that jurisdiction had been extended. The forty miles around the London Court had been expanded to one hundred, and so well had this increased plan operated, that it was thought not unreasonable still further to carry out the principle. The same system had been adopted. The greatest commercial town of a large district had been chosen, a Court had been there established, and the jurisdiction of that Court had been extended to the country and the towns around it. That was the principle of the bill. He was not so ignorant of the world, or so little acquainted with the tendency of human motives, as not to foresee that such a bill would be opposed—opposed not only on its original proposal, but during, at any rate, the early period of its operation. By the bill 700 commissioners had been displaced—a body of men largely benefited under the old system, and who were possessed of very considerable local influence. Who could wonder that even from this source alone great opposition should have arisen? But there was another cause calculated to excite hostility to the measure. The bill of last year very seriously diminished the profits of solicitors in working the fiats. Many of these solicitors had been themselves commissioners, and if their Lordships knew how they could combine together for any purpose—the solicitors of the country co-operating with those of London—they would agree with him in thinking that nowhere was to be found so formidable a body to conspire against the success of any measure. There was another class, too, whose interests were very materially affected by the bill. In all great commercial towns there was a body of men possessing considerable local influence—who were styled accountants. The present plan vested all their work in the official assignees—and so they lost all the profits they had before enjoyed. Under the old system the assets were generally placed in the provincial banks, and much of the property of the bankrupt had been lost. By the new system this had been put an end to, and the assets were placed in the Bank of England. He knew that the co-operation of interests against

the bill was powerful, but he most firmly believed, that when the system was once established it would be productive of general benefit, and meet with general support. They knew already what had been the result in London. He could not but think that the same result would follow in the country. The opposition against the system originated from the same quarters, and in the same motives. The petitions on the Table were cast in the same mould—they took the same shape, and were expressive of the same feelings. They all aimed at the establishment of the old system—not in terms, certainly—but in effect they did so; for they joined in sounding its praises, and they said of it, that it brought justice home to the door of every man in the country. And his noble and learned Friend had in some degree pursued the same course. His noble and learned Friend expressed his doubts as to the benefit of the change, and found much to admire in the provisions of the former statutes. This rendered it necessary to call the attention of their Lordships to the old system, and to show them, as he could most clearly, how requisite was the change. The House would remember, that his noble and learned Friend had read, in the presence of Lord Eldon, an opinion which he had expressed on the subject of the commissioners. He would now read to them an extract from it, to show what was the view of that learned and distinguished man in the matter. The speech to which he referred was to be found in the sixth volume of *Vesey's Reports of the Decisions in the House of Lords*. [Lord Brougham: "It was the first speech he made after taking the great seal. I think in 1816."] After hearing the speech read by his noble and learned Friend, Lord Eldon said, that he had altogether forgotten it, but that he fully concurred in every word it contained. So Lord Eldon had confirmed his original opinion, at comparatively a late period. What was that opinion. It was as follows:—

"The Lord Chancellor took the first occasion of expressing strong indignation at the frauds committed under cover of the bankrupt laws, and his determination to repress such practices. Upon this subject his Lordship observed, that the abuse of the bankrupt law is a disgrace to the country; and it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes. There is no mercy to the estate. Nothing is less thought of than the object of the commission. As they are frequently conducted in

the country, they are little more than stock in trade for the commissioners, the assignees, and the solicitor. Instead of solicitors attending to their duty, as ministers of the court, for they are so, commissions of bankruptcy are treated as matter of traffic—A taking out the commission, B and C to be his commissioners. They are considered as stock in trade, and calculations are made how many commissions can be brought into the partnership. Unless the court holds a strong hand over bankruptcy, particularly as administered in the country, it is itself accessory to as great a nuisance as any known in the land; and known to pass under the forms of its law."

That was the opinion of an individual who had had great experience under the old system, and, having heard it, he (Lord Lyndhurst) thought, that their Lordships would hold it impossible again to revive such a system. But it might be said, that subsequently to that period the law had undergone alteration. Yes, an alteration had taken place, and it was this:—the list of commissioners, established by Lord Loughborough, had been revised, but notwithstanding this alteration, with the new establishment of commissioners, the evils of the old system had continued. He did not say this without authority. He would refer their Lordships to the report of the committee which had been appointed on the subject, and he would read the opinions of some of the witnesses who had been examined by it:—Mr. Tilson, a solicitor of extensive practice in the city of London, in his evidence before the commission of inquiry, speaking of the old system in the country, said

"My observation would lead me to say that the dividends were very small, and the mode of proceeding very dilatory, very expensive, and very unsatisfactory to all parties." Again he said, "In a country fiat, where two of the commissioners were barristers, and one an attorney, by means of adjournments from one hour to another of the same day, and to the following morning, in five days the following fees were charged and paid, viz., to first quorum commissioner, 28*l.*; to second quorum commissioner, 28*l.*; to third commissioner, 12*l.*."

Mr. Alderman Thomas Wood, of great experience and extensive practice in bankruptcy, in his evidence of the old system in the country, said,

"I do not think it can be much worse than it is." He then illustrates his opinion by a case drawn by a solicitor under a country commission, for the opinion of counsel to advise the solicitor, the commissioners, and the assignees, how to act generally in working the fiat.

He says, "There is frequently a contrivance by the bankrupt's friends to get a commission executed in a particular place, where the gentlemen are not more acquainted with the Law of Bankruptcy than the gentlemen who drew those questions (referring to some questions which had been given to him), and there it frequently happens enormous plunder takes place. Particular persons get direction of the estate. Most of the creditors are probably carrying on business in London, but they are entirely at the mercy of the country commission."

The dividend, he says, is generally very small. There is a decided defect of jurisdiction. [The noble Lord quoted similar testimony from the evidence of a Mr. Parker and a Mr. Maynard, and then continued.] So much as to the propriety of re-establishing the old system which was said to have taken justice to the door of every man in the kingdom. But this was not all. There had been a memorial from the merchants, bankers, and traders of the city of London, and of the other great commercial towns—and what did that memorial state? Upon this, the memorial of the merchants, &c., said—

"That an extension of the said Court to different counties within one hundred miles from London, would materially benefit your memorialists, and the public in general, and promote a more pure and speedy administration of justice. Your Memorialists, therefore, taking into consideration the increased facility of travelling, and the general benefits that would be conferred upon all classes in the metropolis, and particularly the commercial world, respectfully solicit your Lordships to order that all fiats be directed to the Court of Bankruptcy, where the bankrupt shall reside within one hundred miles of London, and that further and more extensive powers be granted to the Learned Commissioners, which will enable them the better to facilitate the business of the Court, and to promote the interests of those who are compelled to resort to it, and if to effect these objects it shall be necessary to apply to the legislature, such course may be adopted during the present session of Parliament."

That was the language of the merchants and bankers of the city, on which the list of commissioners was issued, and on which the committee founded their report. But it might be said that these evils were all conjecture. Since the commencement of the new system he had had an opportunity of verifying these statements. Under the new system the fiats of old bankruptcies were transferred to the new assignees, and he could detail to their Lordships some monstrous cases of injustice, if not of pos-



itive fraud—of something very like a plunder of the bankrupt's property. In the Wentworth estate the expense of working the fiat was 21,000*l.*, and out of that sum the amount paid to the commissioners was 1,200*l.* That case alone would show that these conjectures, if they were conjectures, were well-founded. He could state many other cases. He remembered one in which the assets were 6,000*l.*, and the accountant's charge, his allowed charge, was 1,100*l.* The fees of the commissioners were exacted in the most unjust manner and on the most trivial pretences. It had been no unusual thing for the commissioners to meet to adjourn, not as their Lordships did, when their work was done, but after an hour or two, to meet again in the afternoon, and then to charge for two meetings. Aye, and not only for two meetings but for the expenses of two travelling excursions, and this the commissioners frequently had done three or four times in the course of one day. He might here refer to the opinion of a learned Friend of his, who had gratuitously undertaken the duties of the Chief Judge of Review, and who had told him that "he had already seen quite enough of the old system to satisfy his mind of the necessity of the change." So much then for the old system, and for the anxiety which had been manifested to bring it back. But what was the new system? It had originated in the advice of the commissioners, and had been framed upon the best information which it had been possible to procure. He had already said, that the first step in the change had been the extension of the jurisdiction of the London commissioners. For 150 years that jurisdiction had been confined to forty miles from London. Of the system as far as it was then carried out, there had been no complaint, and could it be considered unreasonable that a system which thirty years ago was extended to forty miles from London, should be extended to 100 miles from London at the present day, when, through the improvement in travelling, there was a saving of half the time and of half the expense. But the bill had not originated with him, for the merchants of London had suggested it to the commissioners as a great improvement upon the then existing plan. The commissioners adopted what the memorialists had suggested, and a clause to extend the courts had been inserted in the bill. He asked, if the former system had

been proved to work well, whether the reasoning of the merchant was not founded in good sense? He admitted that in the first formation of a system so complicated and difficult, it was necessary to act on the best information—and that subsequent experience might show that that information had been wrong, and might induce them to alter the original provisions. He admitted that Norwich was 110 miles from the city where the fiats were issued, and that only fifty miles could be travelled by railway; but he added to that admission, that in Norwich, though it was a commercial town of considerable size, there were only, on an average, six or seven bankruptcies in the course of a year. He would now tell their Lordships how he had endeavoured to put an end to the objections which had been brought against the measure; but, first, he would refer to the complaints which had been made by his noble and learned Friend. His noble and learned Friend had said, that it was hard to compel persons to make a journey of a great many miles to obtain justice on the bankruptcy of any of their debtors; but his noble and learned Friend had swept completely away all the commissioners in Ireland, and had placed one commissioner alone in Dublin. It was, perhaps, judicious and prudent, but whether so or not, it was most deliberately done—for his noble and learned Friend had found that the one commissioner in Dublin was not enough—and he still persevered in his system. The largest commercial town in Ireland was Cork, at a distance of 160 miles from Dublin. One might have fancied, that if two commissioners were to be appointed, one out of the two would have been established in Cork; but, oh, no! the two commissioners, by his learned Friend's bill, or by the bill which he had introduced—were both established and domiciled in Dublin, he did not mean to complain of this arrangement, but it certainly appeared to him inconsistent with the complaint which his noble and learned Friend had brought against the measure under consideration. He would now point out the course which they had adopted to carry into effect the intentions of the bill. The proposition in the bill was, that

"England and Wales should be divided into as many districts as her Majesty in Council should think fit."

So they had divided the whole country into seven districts, and had taken a large manufacturing or commercial town as the

centre of every district, and he would show how little ground there was for saying, that they had not been cautious in their division and allotment. He would first take Manchester—the London of that part of the country—and after hearing the figures he was now about to read, none of their Lordships could for a moment think that Manchester, and the other places to which he would refer, had not properly been selected:—

“According to the return the average annual number of fiats in the Manchester district during four years was 148; and according to the same return 113 of these, or more than three fourths of the whole number, were directed to the lists of commissioners at Manchester, and of the remaining thirty-five, eleven were directed to the lists of commissioners at Preston, only about thirty-two miles distant, with railroad, and twelve or thirteen to Bolton, about twelve miles distant, and six or seven to Macclesfield, about eighteen miles distant, one or two to Bakewell, about thirty-three miles, three to Burnley and Colne, between twenty and thirty miles distant, and only one fiat to a place exceeding thirty-three miles distant, namely Lancaster, which is about fifty miles, and railroad.

According to the return, the average annual number of fiats during four years in the Leeds district was 130½. Of these fifty-six fiats, or nearly one-half of the whole number, were directed to the lists of commissioners at Leeds, and of the remaining seventy-four, fifty-eight fiats were directed to lists of commissioners at four different places, namely, York, Halifax, Doncaster, and Sheffield, within and not exceeding thirty-five miles from Leeds, and railroad communication, leaving sixteen fiats, which were directed to lists of commissioners at eight different places, varying from between fifty to 100 miles distance from Leeds, with railroad communication wholly to some places, and in part to others.

“According to the return, the average annual number of fiats during four years in the Liverpool district was ninety, and seventy-two and three-quarters of these, or four-fifths of the whole number, were directed to the lists of commissioners at Liverpool, and of the remaining seventeen and a half, nine and a quarter were directed to four different places within forty miles of Liverpool, and the other eight to four different places within 100 miles.”

He did not say that the selection, either of these or the other places which had been chosen as the centres of the different districts, was a final selection. They had the power of altering it, and if it were necessary they certainly would alter it; but their Lordships ought not to forget that the measure had only been in operation for six months, and he said plainly, that upon

so short a trial they ought not to take the practical operation of the measure out of the hands of the Government. By next Session the system would be more mature; and if by that time his noble and learned Friend had not altered his opinion—an opinion, he must say, derived from interested and perverted sources—he then might properly and reasonably move for an inquiry. His noble and learned Friend had assumed, and to him it appeared a most extraordinary assumption, that the fiat should always issue from the place where the bankrupt resided. That was not the question to be considered. The question was—not where the bankrupt resided, but where the creditors resided. That had been the foundation of the whole of the arguments of his noble and learned Friend, and it was a basis the most unsound:—

“The Chamber of Commerce of Bristol said, the rule of directing a fiat to a list of commissioners near the residence of the bankrupt, without regard to the residence of a chief portion of the creditors, is a serious evil. That it is practically depriving the trading community of the means the bankrupt law affords for their protection against undue preference and fraud: because, in the majority of instances, the principal creditors would rather abandon their debts than incur the labour and additional expense of prosecuting the fiat at a small provincial town in the vicinity of the bankrupt's friends and connections, with such professional aid only as the place will afford, and deprived of the support and assistance of other creditors equally interested.”

A noble Friend of his had wished for a commissioner at Shrewsbury, but at Shrewsbury there were scarcely six bankruptcies in the course of a year. Another had wished for a commissioner at Derby. At Derby there were three bankruptcies in the year. Another had mentioned Newark, and had come to him with great pomp and parade, representing that town as one of very great commerce, in which the number of bankruptcies rendered a commissioner almost indispensable. The number of bankruptcies at Newark was one in a year. These were the absurdities founded on partial and interested views, which seriously were offered as objections to the bill. Almost all of these objections referred to distance, and he would now show to their Lordships how he had endeavoured to remedy the defects which related to distance. The Market Harborough Bank failed. There were a great number of small creditors, and he was de-



rous of diminishing the expense of their proving their debts by affidavits, the usual cost of which was 10s. He had since received a letter from the deputy registrar, whom he had sent to take the proof of debts, and in it was stated, that the amount of debts proved was 105,000*l.*, and that the number of witnesses examined was 887, and how much did their Lordships think was the total expense of taking the proof of the debt?—2*l.* 14*s.* 6*d.* That was the way in which they met any difficulties or defects which might arise in the operation of the act. They sat and inquired into the complaints which were made. It was their duty to do so, and they ought not to be pressed down by a committee of inquiry before the experiment had been fairly tried. The letter to which he had already alluded proceeded to say, that under the old system the expense of one single sitting of the commissioners was 5*l.* or 7*l.*, and now it was only 2*l.* 14*s.* He had also received a letter from Leicester stating, that the operation of the bill had there given very general satisfaction, and the easy method of proving debts under it had led to an offer by several Masters Extraordinary of the Court of Chancery to take affidavits gratis, and to draw them also. It sometimes happened that debts were contracted with parties at a distance, and many witnesses were necessary to prove them. He proposed, in such cases, and indeed, whenever it was necessary and proper, that the commissioners should go to the places where the debts were to be collected. His noble Friend had said something about costs, and that the working of the commission was now more expensive than it formerly was. His noble Friend had moved for very voluminous returns; he had caused an abstract to be made of them, and he would state what were the results on the general average. The solicitors' bills up to the choice of assignees, under the new system, amounted to 28*l.* 6*s.* 8*d.*, whereas under the old system it was 72*l.* 1*s.* 5*d.* Mr. Parry, whose testimony was very valuable, stated that it was often 65*l.* in the country, and 25*l.* in London. The total expense under the new system was 283*l.* 3*s.* 8*d.*, under the old, 463*l.* 5*s.* 8*d.*, including travelling and all expenses. It was unfortunate that a clause appointing a taxing-master, which was contained in the bill as it passed their Lordships, was rejected in the other House. If that clause had remained, he was convinced that the

expense would have been less than even now. The solicitors complained, that under the new system their emoluments were reduced. He was of opinion that it was for the interest of the public that solicitors should be well paid; for if they were not, the business would fall into the hands of persons of an inferior description, instead of remaining in the possession of a respectable class of practitioners. He was now, with the assistance of the London commissioners, maturing a scale of fees which he believed, would do equal justice to the solicitors and the public. His noble Friend had objected to the official assignees and messengers. The greatest part of the business was done at the head town, and the messengers acted in person. When the commission was opened at a distance they were allowed to appoint persons to act for them. His noble Friend had said that, under such circumstances there was no security for the estate, but he had never heard any complaint on the subject. He felt that while everything was being done to redress grievances, and place the administration of the law on a proper footing, their Lordships would not take the matter out of the hands of the Government, and give it to a commission till an opportunity had been allowed to examine and develope the system, so as to remove any objections which might exist. If there were to be commissioners appointed in every place, the business would be of very small amount which they would have to transact, and they would not derive the benefit of that experience in conducting the administration of the law which a more extensive practice would give them. It was one of the objects of the district courts to bring so much business before the commissioners as would give them practical experience in conducting it. As this was the system which had been successfully adopted in London—as it was founded on a long experience—as it was recommended by the bankers and merchants of London—as it was advised by the commissioners and adopted by both Houses of Parliament, he trusted their Lordships would not consent to alter the measure at so early a period after it had passed.

Lord Brougham was gratified that the merchants and bankers of London had approved of the plan of having an official assignee because he remembered that it was strongly objected to when he introduced his bill. His noble and learned

Friend (Lord Cottenham) had said how unjust and hard it was to compel a man to travel forty miles to prove; but if it were a hardship, it was one which existed under his (Lord Brougham's) act, for Maidstone came within the ambit of the London district. But, then, it was said, that the official assignees—and here his noble and learned Friend was mistaken as to the operations and functions of those officers—that the official assignee at Leeds for instance, had to travel to Sheffield and other places, a great distance off, to look after bankrupts' estates, and to get them in. No such thing. The official assignees never stirred from London; he had, it was true, the care of estates which did not exist in London, but which was to be collected at Liverpool, Manchester, Birmingham, or at Bristol. He, however, never left London, but he opened a correspondence with professional men at a distance; and by the use of menaces to have recourse to the process with which the jurisdiction armed him, he succeeded in collecting the debts due to the estate committed to his care. He therefore did not agree with his noble and learned Friend, that there was any fatal objection to the constitution of those districts on account of the official assignees being obliged to leave the places at which they were located. Then it had been urged as a hardship that the bankrupt was obliged to appear at the place where the commission was to be worked. To be sure he was. No commissioner, or creditors' assignee, or official assignee, could tell the debtors to, or the creditors upon, an estate, without the presence and statement of the bankrupt himself. It was the bankrupt himself who must make his own statement, and throw his own light upon the condition of his affairs. Under his act, a bankrupt at Maidstone, for instance, was obliged to come up to London and lend his light to the official assignee. His noble and learned Friend, too, forgot that many commissions from distant parts of the country were worked in London. [The *Lord Chancellor*: Lord Eldon approved of that.] Precisely so. Perhaps it might have been carried out too far, but his noble and learned Friend proposed to check it altogether. True, said his noble and learned Friend, that special grounds might be laid for working a Liverpool bankruptcy, for instance, in London, just the same as a Maidstone

bankruptcy. In all those cases every one of the objections which his noble and learned Friend (Lord Cottenham) had pointed out to-night, might be raised with equal justice to the act which he had the honour to pass through that House. It would have been well if it had been made part of the bill proposed formerly, and introduced by his noble and learned Friend, or of the bill which he had failed to carry, to provide for the appointment of local judges, who should in their local courts bring to every man's door the inestimable blessing of cheap, easy, and, above all, satisfactory justice in the trial of causes up to a certain amount; and to whom should be added an equitable jurisdiction as well as a power to act in commissions of bankrupt. That formed part of his (Lord Brougham's) proposed system; at the same time he could not shut his eyes to the fact, that if the system he had chalked out had been adopted, it would still have been liable to a great many of the objections which to-night had been taken by his noble and learned Friend who had brought forward the present motion, on the ground of the distance of the place at which the bankruptcy occurred from the central court. For instance, he had proposed for the West Riding of Yorkshire only one court, and, under that proposition, a bankrupt at Saddleworth would have had to come thirty miles to attend the court at which the commission was to be worked, and so also would a creditor have had to travel the same distance in order to prove a 4*l.* or 5*l.* debt. But then came the remedy which was now again brought under consideration by the motion of his noble and learned Friend, and which was to make the commissioners themselves ambulatory to a certain extent. On this he would venture to throw out a suggestion to his noble and learned Friend on the Wool-sack. In bankruptcy cases, from the very nature of things, it was important that the proceedings should be taken suddenly and speedily, in order to prevent a making away of property on the one hand, or unnecessary hardship and oppression upon the bankrupt on the other. Expedition was every thing, and as in many, if not most cases, the proceedings were little more than matter of form, he would suggest that the deputy registrars (and if there were not a sufficient number, others should be appointed) appointed to each



district court, should make circuits, or in other words, be perpetually on foot in the district. This, he thought would get rid of all the objections together, and at the same time would bring their jurisdictions constantly home to the creditors and debtors of every bankrupt in every district. Some such arrangement as this, would make the system now in operation work perfectly. He had to apologize to their Lordships for having detained them longer than was convenient even to himself, but he wished to add his testimony as to the great saving in the expenses of a commission, to that of his noble and learned Friend upon the Woolsack. He had been favoured with a calculation or statement of the expenses of working a commission under the old and under the new systems, up to the choice of assignees, which included solicitors fees, and therefore was a true test. He found that the expenses of working a commission under the old system, up to the choice of assignees, was 40*l.* 15*s.*, while under the new system it was 23*l.* 1*s.* He hoped as he was now upon his legs he might be permitted to appeal on another subject to his noble Friend opposite, who was at the head of the non-intrusionists, to postpone the bill relating to the Church of Scotland, which stood for to-night, as he could not possibly discuss it to-night. He would also take the opportunity of correcting a gross misrepresentation which had gone forth with respect to certain amendments which he meant to bring forward on the Church of Scotland Bill. It had been stated these amendments had either been suggested from Scotland, or by him. Such was not the case. He had received those amendments in London, had forwarded them to Edinburgh, and they had been returned to him with expressions of the highest approval, and accompanied with a hearty prayer that the noble Earl opposite (the Earl of Aberdeen) would adopt them.

Lord Campbell said, he did not think his noble and learned Friend on the Woolsack, or his noble and learned Friend who had last spoken, had made any reply to the argument of his noble and learned Friend who had brought forward this motion. The complaints throughout the country of the operation of the present system were loud and almost universal. The noble and learned Lord on the Woolsack had entirely, and with great dexterity he admitted, evaded

the complaints made by his noble and learned Friend who made the present motion, knowing that if he met him on the same issue, he would inevitably be defeated. His noble and learned Friend on the Woolsack exposed the abuses and evils of the old system, but his other noble and learned Friend had not in any way stood up as the defender of that system. For his own part, he believed that the old system was execrable. His noble and learned Friend (Lord Cottenham) had always been of a similar opinion, and when he sat on the Woolsack had appointed a commission, on the subject, and had afterwards brought in a bill which, if it had passed, he verily believed would have effectually removed the abuses under the old system. When, therefore, his noble and learned Friend on the Woolsack averred that the old system was a bad one, and that the present was a better, he did not at all meet the *gravamen* of his noble and learned Friend's charge, which related to the manner in which the new bill had been brought into operation under the orders in council issued by his noble and learned Friend. He was convinced that nobody who read the bill but would have anticipated that it was intended to institute ambulatory courts, which would bring justice home to every man's door throughout the country; but, instead of this, his noble and learned Friend had contented, himself with instituting seven stationary courts in different districts, to which all suitors would have to resort, oftentimes, from the very nature of the circumstances, from a very considerable distance, sometimes, as in the case of North Wales, 150 miles. This was the grievance of which his noble and learned Friend complained, and this complaint his noble and learned Friend on the Woolsack had not attempted to meet. His noble and learned Friend on the Woolsack said, that all these complaints were made by solicitors, from interested motives; but if that were the case, it should be the very reason why he should be glad to grant what the committee now asked for. But the noble and learned Lord should bear in mind that complaints came, not only from the country solicitors, but from those of London; 129 of the latter, the most respectable in the profession, having signed a petition in which, it should be observed, they were actually speaking against their own interests, be-

cause it was to their interest that business should come to London, a large part of their business being in the way of agencies for country solicitors. To show the inconvenience of the new system to parties not residing in the immediate vicinity of any of the seven stationary courts, he would just draw their Lordships' attention to the fact that every suitor in a bankruptcy occurring in North Wales would have to travel to Liverpool, a distance of 150 miles. Every suitor in Cumberland would have to travel 100 miles, and every suitor in Northampton sixty miles. Any man against whom a fiat might be issued, however unjustly, would have to travel all this distance, or run the risk of being gazetted as a bankrupt, and have all his property stripped from him. These were grounds of complaint which his noble and learned Friend on the Woolsack had not held out any hope of redressing by sending commissioners occasionally upon an ambulatory tour amongst those distant suitors. The noble and learned Lord mentioned that he had sent a deputy register to Market Harborough, but this did not afford a sufficient remedy for the evil complained of, inasmuch as that person had not the power of holding a court for hearing evidence. [*The Lord Chancellor: He may swear a party to an affidavit.*] He might, but this was a most inconvenient mode of doing business, and the very least that it would cost would be 30s. The consequence of all the evils which the present system engendered was, that they would have fraudulent bankruptcies, on the one hand, whilst in cases of real bankruptcy, parties would be deterred from issuing fiats, by the trouble and expense which they would have to incur. In either case, many innocent parties would have to consent to any compromise, to put up with any expedient, rather than go through the regular process of law. In America there were general complaints of a bad state of commercial credit. To what extent these complaints were well founded he would not pretend to say; but to whatever extent they were so, he believed that the evil was mainly owing to there being no regular bankrupt courts to which parties in such circumstances could appeal. He did trust that upon consideration his noble and learned Friend would either grant the committee which was now called for, or would at least give an assurance to the

House and the public that the bankruptcy courts in future, instead of being stationary, should be ambulatory. He thought his noble and learned Friend could not deny that such an arrangement would tend greatly to the convenience of the public: and he would foretell to him that, if he did not consent to its adoption, the complaints which were now heard on the subject would become wider and louder, until the noble and learned Lord would have to regret that he had not yielded earlier.

Lord Cottenham said, that, even if his noble and learned Friend who had just sat down had not spoken, he apprehended that he should have had little to reply to in the speeches of his noble and learned Friend on the woolsack, and his other noble and learned Friend, whom he did not, he regretted, now see in his place. His great ground of complaint was against the courts being stationary, and at so great a distance from a large portion of the suitors throughout the country. With regard to the practice of sending a deputy registrar down to secure proofs of debts, he must say he thought it a very objectionable expedient to meet an evil which his noble and learned Friend could not deny was very generally and loudly complained of. The statement of his noble and learned Friend would, he could assure their Lordships, be found to be no answer to the complaints made on this subject throughout the country. These complaints he had submitted to their Lordships, in the hope that they might obtain some redress. He brought them forward, actuated by no party motive. The petitions of 1,200 solicitors, representing 1,200 solicitors, were entrusted to him, not for party purposes, but in the hope that a general grievance might be redressed, and that which was felt to be a great and a serious evil might be removed. So far, too, were the petitioners from being influenced by any unworthy motive, that if the prayer of these petitions were acceded to, it must tend considerably to trench upon their pecuniary advantages. They petitioned, for instance, against the extravagant extension of the London district. The more that was extended, the more was increased the practice of the London solicitors, and therefore, in wishing it to be diminished, they were seeking to be deprived of a portion of their profits. They had, then, a petition from every im-



portant place in the kingdom, against the measure; they had not a petition in its favour. What was, then, to be stated in its support? There was not a suggestion out of the House in favour of the bill. He did not mean to press his motion to a division, for he felt that it would be unnecessary, and yet it was some satisfaction to him to think that the present discussion would not be without its use. He believed that his noble and learned Friend would be compelled to turn his attention to this subject; for he would soon find that the grievances he had exposed would not be much longer tolerable, nor that the present system could be permitted to continue.

Motion negatived.

#### CHURCH OF SCOTLAND—BENEFICES.]

The Duke of *Wellington* having announced the consent of her Majesty, the House went into committee on the Church of Scotland, Benefices Bill.

On the first Clause,

Lord *Campbell* regretted that the noble Earl had not complied with the request of his noble and learned Friend (Lord Brougham) to postpone this bill. He knew that his noble and learned Friend was so ill, that he rose from a sick bed on Saturday last to discharge judicial duties. Under such circumstances, he thought that the request of his noble Friend ought not to have been refused by the noble Earl. In proceeding with such a bill he conceived that the noble Earl was adopting a wanton and mischievous course. He understood that this was to be an enacting, and not a declaratory bill, and also that the objections to be made to a presentee should be strictly of a canonical and spiritual nature. He considered the bill, as it were, a wanton insult, and also one that gave a shock to their Lordships' judicial system. It was his opinion, also, that if the bill passed in its present shape, it would prove the ruin of the Church of Scotland. The bill was one for establishing the *liberum arbitrium* in the Church of Scotland. The Church courts might, by the bill, give effect to any objection that might be made to the presentation of a minister, and might thus defeat the presentation of a patron. If this power were given to them, without appeal, they would be vested with a power absolute and irresponsible? Such a power was never conferred on a Church since the foundation of their holy religion.

It would give existence to a spiritual tyranny that would be totally unendurable. If this bill passed, he asked their Lordships what became of patronage? What became of the act of Anne? He would much sooner see the act of 1690 in force than give his sanction to such a bill as this; for it would give the right of presentation, not to the patron, or the parishioners, but to the presbytery. He complained that no attempt had ever been made to answer the arguments of his noble and learned Friend (Lord Brougham) and he must say of his noble and learned Friend that he deserved better treatment from the Government than he had received with respect to this bill. His noble and learned Friend had shown very great candour with respect to the measures of the Government—he had given them valuable aid, and he thought a very ungrateful return was made to his noble and learned Friend in this bill. Their Lordships had the unanimous opinion of the law Peers that this was not a mere declaratory bill, but one that would effect great alterations and innovations. Would they, then, give their sanction to it? It was said, that a more moderate party were now in the ascendant; but might not the next General Assembly either enact the veto law, or, what would be tantamount to it, give full scope to the objections made by the congregation to a minister, on the mere ground of his not being suitable? They could not expect to decoy back to the Church those who had seceded from it, or to reclaim those eminent men whom it was impossible to name without respect, seeing the great sacrifices they had made. They had rejected this bill several years ago, and declared that they would not be content unless the veto was legalised by act of Parliament. There was not the remotest possibility of Dr. Chalmers, Mr. Guthrie, or Mr. Cunningham being satisfied with this bill. Again, the constitutional party, in their report and memorial to the Government, had declared their repugnance to such a change as was proposed by this bill, as being “a power, liable to be unequally and oppressively exercised, without the possibility of redress, and eminently calculated to render the Church an object of suspicion and jealousy.” These gentlemen were sensible of the truth that irresponsible power in the hands of churchmen became inevitably the instrument of the grossest tyranny

and oppression. He should wish to know from the noble Earl what was to be the check on the power that would be given by the bill, for, as it now stood, the jurisdiction of the civil courts was utterly abolished. If the presentee were rejected on any frivolous ground, as that he was favourable to the moderate party, or even that he was of a dark complexion, the Court of Session, as the bill now stood, could not, by any process known to the law, remedy the evil. There was no appeal of any sort allowed. The Church of Rome, neither before the Reformation, nor after it, had ever claimed such a power. In Romish times, if the church courts proceeded to deprive a clergyman, or refused to induct him on any ground not canonical, immediately the civil court would interpose, and do right to the presentee. Such a power did not exist in Scotland before the Reformation, and never had been supposed to belong to the Church. Instead of healing the unhappy schism which had taken place in the Church of Scotland, it would only aggravate and embitter the discord; for he knew, from the most undoubted authority, that those who had seceded from the Church would think they were most deeply injured if the Church did possess those powers. They were of opinion, and their opinion was well-founded, that if it did possess them, the veto act ought to have been sanctioned by the Court of Session, and if it had been so sanctioned, they would have remained untainted members of the Church of Scotland. He very much regretted that the noble Earl should have pursued this course, to which, however, he trusted their Lordships would not accede. There might be some individual to whom the noble Earl paid great deference, as a better authority than any whom he could obtain in England; but he could not help thinking he must be muddle-pated and obstinate. It was his conviction that the noble Earl would have done better to have taken the law from one of his noble and learned Friends, or from the majority of the Court of Session, who had pronounced their opinions against this measure. He hoped the noble Earl would not persist in it, and that their Lordships would not declare that to be law, which was contrary to the present law and the solemn judgment pronounced in that House. The noble and learned

Lord moved, that the word "declared," in the first section, be omitted.

The Earl of *Aberdeen* said, it was with great reluctance and diffidence that he differed from such authorities as those of their Lordships who had expressed their disapprobation of this measure. The noble and learned Lord had described the measure as the veto, and said that the party who had seceded from the Church felt that they were greatly injured by having that enacted which, had it been made law before, would have held out to them the means of remaining in the Church. To show how little correct that view of the case was, he would just observe that several of the party to whom the noble and learned Lord referred, had waited in the hope of seeing this measure, and of its enabling them to retain their position in the Church. There were many who were barely satisfied with the bill as it stood; others had left the Church, disappointed with its provisions, and among them one gentleman whose loss to the establishment was deeply to be deplored, the son of Lord Moncrieff. There was every reason to believe that if this bill were not passed, not less than 150 more ministers would follow the example of those who had gone out. Dr. Cunningham, one of the leaders of the seceding party, had described the bill as "directly and expressly opposed to all the principles for which the Church was contending, and flatly adverse to the principles of non-intrusion." The noble and learned Lord had also said that the opposite party were unfavourable to the measure. He never was more astonished in his life than when he heard the noble and learned Lord make that statement. He had the signatures of nearly 400 clergymen of this party approving of the measure. The report to which the noble and learned Lord alluded was directed not at all against this measure, but against the principle of non-intrusion. The noble and learned Lord said the bill had not been the law of the Church. It was only on the presumption that it had always been the law of the Church that he brought it forward, but he had never pretended to make any new law for the Church whatever, to give any new power to the Church or the people, but simply to declare the law on which doubt had been thrown, not in consequence of the judgment of that House, but in consequence of opinions and reasons stated in the course of that judgment, and never stated by the court below. He maintained that the Church



had this power, and always had had it; he would not be the man to fix the brand of Erastianism on her front by enacting that that should be granted to her which she had possessed for three centuries. The noble and learned Lord said he would allow of canonical objections to a minister; the canon law had been but of small authority before the Reformation in Scotland, and was not at all regarded since. The noble and learned Lord forgot that the admission of ministers in Scotland stood on a perfectly different footing from the admission of clerks to benefices in England. The bishop was not bound to give any reason for not ordaining, but in Scotland, in the act of admission, ordination was included. The statute of 1567, which gave the power of trial and examination, and that of 1592, which directed ordination to be given by the presbyteries with full powers of collation thereon, gave all that was proposed to be given by the bill now before their Lordships. The only reason they had to interfere in this matter at all was the connection that existed between the civil and spiritual power. They could not separate the act of ordination from the admission to a benefice. The presbytery must have the power of judging all objections urged against a presentee. That point, the noble and learned Lord had abstained from entering upon; but it was one which comprised the whole practice of the Church. The difficulty which he (the Earl of Aberdeen) had met with in Scotland arose from the inadequate provisions of this bill; but it would now be seen that it was no such easy matter to extend them. For his own part he saw no objection to the exercise by the people of Scotland of any privilege declared by this bill; and had it depended on him, he would even have conceded greater power to the people of Scotland; that is, if he had known how to do it legally, for he did not wish to go beyond the law. It was most painful to him to find himself opposed on this question to the noble and learned Lord opposite; but that this had always been the law of Scotland he could not for a moment doubt, and not to insist upon the provisions of this bill, would be to abandon the rights of the Church and the people—a thing which no consideration under heaven should induce him to do. Still he had felt his opposition to the noble and learned Lord so painfully, that he had taken every possible pains to fortify his own convictions on the subject. Among those to whom he had applied was a most

able and learned judge, who had been the first to protest against the illegality of the Veto Act, and whose opinions had contributed more than anything else to enlighten that House on the Auchterarder case. The Lord President of the Court of Session had written to express his full approbation of the bill before their Lordships. The heads of the courts of Scotland, and those professional persons to whom it was incumbent on her Majesty's Government, on a measure of this kind, to pay full respect and attention, having expressed their full approbation of the bill, he felt his own opinion strengthened and sanctioned, and he could not, therefore, agree to the proposition of the noble Lord, that this should be made simply an enactive and not a declaratory bill. He should think that he disgraced himself, if he agreed to abandon rights which he considered to have belonged to the Church and the people of Scotland ever since the Reformation.

The Duke of Wellington had voted for a similar measure brought in some years ago by his noble Friend, and had done so in the desire that the bill might settle the question then under discussion, and by which that country was then so much disturbed. The subject had since been discussed in various ways, both here and in Scotland, and a letter had been written with the entire approbation of her Majesty's Government by his right hon. Friend the Secretary of State. Since then, this bill had been introduced by his noble Friend on the part of the Government, and with the full concurrence of his colleagues. The only doubts which he (the Duke of Wellington) had felt on the subject, had arisen from the statements of the noble Lord opposite, and of his noble and learned Friend who had spoken a few nights ago, that this bill was inconsistent with the decision of that House on the Auchterarder case. That statement had made much impression on his (the Duke of Wellington's) mind, and had led him to make anxious inquiries on the subject. As far as he recollected, the Auchterarder case arose after the enactment of the Veto Act by the General Assembly of the Church of Scotland; and the question then was, whether the Presbytery had acted correctly in declining to put on his trial the presentee to that benefice. The decision of the Court of Session was, that that refusal was illegal. Upon that decision an appeal was made to that House,

and their Lordships confirmed the decision of the Court of Session. Upon what ground was the refusal made to collate the presentee to the benefice? Because an objection was made to his appointment by the majority of the communicants to his appointment. Was it stated in this bill that such an objection should henceforth be legal. There was not one word in the bill about the power of the majority of the communicant, nor anything excepting what went to put the presentee on his trial. All his scruples on the subject of this bill had, therefore, been done away with, by a careful consideration of what was the real nature of the Auchterarder case. The noble and learned Lord stated that great and irresponsible power was placed by this bill in the hands of the Presbytery. But a great power was also placed in the hands of the bishops in England. There was this great distinction, however, which required to be kept in view. The moment a man was put on his trial in Scotland, the consequence of that decision was not only the presentation to the benefice, but the ordination of the pastor. It was reasonable, therefore, that the Presbytery should have the power of deciding on such a question. This bill went further, however, and said that a reason should be stated for the refusal of the Presbytery, and the reason so stated would have to go before the superior courts, as well as before the public, which could not but act as a great check upon the Presbytery; to whom, therefore, it could certainly not be said, that the bill gave an irresponsible power. On all these grounds he had come to the conviction, that the bill now before the House did not touch upon the Auchterarder case, and he could not therefore take the same view of it as was taken by the noble and learned Lord now at the Table, nor by his noble and learned Friend not now in his place, but whose judgment on that case had done him so much credit.

Lord Cottenham said, it appeared now to be contended, that the bill was wholly declaratory. If so, it was no new law. Yet here was a very complicated scheme laid down as to the way in which the law was to be carried out. If this bill was already the law of Scotland, where was that law to be found? In the statutes? In the decisions of judges; or in the commentaries of distinguished writers on the law? Except some noble and learned

person with whom the noble Earl appeared to have been in communication, there was no authority for the position that the law of Scotland was as it was laid down in this bill. Indeed, he did not believe the noble Earl could name any one learned person who would deliberately say that that bill was the law of Scotland now. The opinions pronounced by the noble and learned Lord on the Woolsack were certainly against the legality of the bill. He (Lord Cottenham) did not think the judicial character of that House would suffer by the bill, but certainly its legislative character would. All the authorities whose opinions had been expressed in that House were against the bill being the law of Scotland. The noble Duke had very correctly stated the Auchterarder case; but if he had followed up the case a little further, he would have seen how the question was dealt with by the minority and majority of the Court of Session. By this bill, if the majority objected to a presentation, and the objections were approved of by the Presbytery, no civil court would have the power of overturning them. Then where was the difference between the bill and the principle of the Veto Act? The bill of the noble Earl was taken from the acts of the Assembly, and not from Acts of Parliament. When patronage was abolished, a similar scheme was enforced, but at no other time. The act of 1692 was abolished by that of 1711; but this bill would bring about a state of things similar to that under the former law. The heritors were the moving power in the former case, here the patron; but the Presbytery having in both cases an absolute power of rejection, of course their word must be supreme. He always thought that the opposition of the non-intrusion party to the noble Lord's bill of 1840 did them great credit. They proved their sincerity by insisting that no ministers should be forced on the people against their will. That might or might not be a very wise principle; but how did the noble Lord propose to meet it in this present bill? He said: "I am ready to sacrifice the people; do you, the Presbytery, take all power to yourselves, and if you see good reason for such a step, force their ministers on the people." But the non-intrusionists insisted this was as much intrusion as if it were perpetrated by the patron. It was forcing on the parish a person whom the parish did not wish to



have. So that the result of the noble Lord's proceeding was this, he took from the patron an indefeasible right, he conferred it on the Presbytery when they were not entitled to it; and he rejected the demands put forward by the people. Now as to the clause giving the power of instituting objections as to the suitability to be tried by the Presbytery. Suppose where there was a strong non-intrusion party prevailing in a parish, and that an individual came to the Presbytery and said, "I have reason to know that the minister presented is not acceptable to the majority of the congregation, and, therefore, not suitable." There was one objection stated in due form according to this bill; the Presbytery being called on to exercise their judgment respecting it, and, being a non-intrusion body, pronounce it valid, what becomes of the patron's right of patronage? Where the opposite doctrine to non-intrusion prevailed, a minister of the same way of thinking would be the only person "suitable." So that ministers could only be appointed according to the fancy, taste, and opinion of the various Presbyteries throughout Scotland. He never was satisfied that the provisions of this bill were the law of Scotland. But having examined to the utmost of his ability all the authorities referred to in the Auchterarder case, and the opinion of the judges who constituted the majority on that occasion, having heard all the arguments at the Bar of that House, and having referred to all the best books and other authorities quoted, he found all concurring in the view contradictory to that declared to be the law by the noble Earl. On the other side, they had only the assurance of the noble Earl, that his view was confirmed by the judges. He could not help thinking, however, that the noble Earl, being no lawyer, must have fallen into some great error, and misconceived the statements made to him. Certain he was that Lord Justice Clerk's opinion on the Auchterarder case was opposed to that quoted by the noble Earl; but even if the noble Earl was right as to the Lord Justice Clerk, the weight of legal authority was certainly opposed to his view.

The *Lord Chancellor* had stated on a former occasion, that this bill, if it should pass into a law, would tranquilize the Church of Scotland, and from various communications that he had received since

that occasion, he was confirmed in the opinion which he then expressed. The question was, whether this was an innovation in the law of Scotland. The noble Lord who had just sat down referred to but one clause in the bill, and his noble and learned Friend who had preceded him referred to two clauses of the bill, the 2nd and 4th, omitting the 3rd clause, which was most material for consideration, and most material for the construction of the bill. The 3rd clause expressly, and in terms stated, that no objection should prevail, unless it was founded on some defect in the presentee's ministerial gifts. Unless the objection, therefore, ranged itself within that character it could not prevail, and, consequently, there was an end at once of the arguments urged to take away the jurisdiction of the civil courts; because the parties who had given judgment were bound to state the reasons for that judgment; and if those reasons did not come within the description personal to the individual, in that case they exceeded their authority, and the civil courts interfered. Then what became of the whole argument which had been advanced on this occasion by his noble and learned Friend? It had proceeded on an assumption which the form of the bill did not justify or warrant. The bill was limited in the manner he (the Lord Chancellor) had stated, and was not open to the greater of the objections which had been urged by his two noble and learned Friends. With respect to the Auchterarder case, he entertained the same opinions he had before expressed—he had never doubted the justice of the decision in that case. He had before stated not only that he was satisfied with that decision, but also with the grounds on which that decision proceeded. And what were those grounds? The grounds were, that the authorities had exceeded their jurisdiction—that their jurisdiction and authority was limited by the express provisions of the statute of Anne, and the question had turned entirely on the construction of that statute. These were the main grounds of the decision, and on those grounds he entirely concurred with his noble and learned Friends, but he apprehended the Auchterarder case, though decided by that House, and concluded with respect to the law, was not conclusive with respect to any opinions held by those who gave judgment, unless those opinions were necessary to the decision of that case. How was the Auchterarder case? The

Earl of Kinnoul had presented the rev. Mr. Young, and the Presbytery refused to try his qualifications, because the majority of the parishioners objected, and upon this the court below found by its judgment, that this refusal was illegal, and their Lordships' House had adopted that decision, by saying the Presbytery had acted illegally and contrary to the statute of Anne. It was quite clear, whatever definition was given to the term "qualification," that the decision must have been pronounced as it was pronounced in the court below. It did not, therefore, appear to him (the Lord Chancellor) that their Lordships were at all bound by the opinions expressed by his two noble and learned Friends as to the extent and meaning of the term "qualification,"—though he admitted both his noble and learned Friends, in pronouncing their judgments, had entered upon the meaning of the term with great ability, learning, precision, and clearness, and he could not and would not venture to express any opinion in contradiction to what was stated by his noble and learned Friends. Not having heard the arguments at the Bar, he, of course, must bow to their decision; but if the question really at issue had not been decided by that House, it was still open for inquiry. It was a question of Scotch law relating to the Scotch Church, and, being so, what were the opinions upon it of the judges and lawyers of Scotland? What was the weight of these opinions? Reference had been made to one of the learned judges, who at the time the Auchterarder case was decided, was the Dean of Faculty, and who had argued the case with great ability and eloquence at the Bar. This bill had been submitted to that learned judge. It was in vain to say, "Let us see the case that was submitted," for the bill itself had been sent to the learned individual to whom he (the Lord Chancellor) alluded, and it was upon the bill itself the learned judge had pronounced his judgment and opinion, which he (the Lord Chancellor) would read. That learned judge expressed himself with respect to this bill in these terms:—

"As the bill stands, it is the deliberate opinion of myself, of the Lord Advocate, and of the Solicitor-General, that it embodies the existing law of Scotland."

In another passage he spoke more in detail. He said:—

"I beg to state most decidedly my clear

opinion that your bill is only declaratory of the law of Scotland on the subject of the collation of ministers by the Church, or, as another statute calls it, the examination and admission of ministers; or, as the statute of George 1st describes it, of trying the qualities of ministers. I admit that the law has never before been so explained and cleared up, and your bill goes to the full extent of the principle of the suitableness of the minister, as admitted by me in my judgment in the Auchterarder case."

That was the deliberate opinion of the Lord-justice Clerk, of the Lord-advocate, and of the Solicitor-general of Scotland. It must be observed, that this bill dealt with Scotch law, and the question was, whether his noble Friend who had brought it in was justified in making it a declaratory law? In this his noble Friend was supported by the opinions of the authorities he had named. But this was not all. The bill of his noble Friend was, as nearly as possible, the same as that which his noble Friend had introduced some two or three years ago. That Bill was also a declaratory bill, and also had been submitted to the late Lord-president—no mean authority upon questions of this kind—a member of the General Assembly for fifty years, and, therefore, well skilled in the practical operations of that body. The late Lord-president considered the former bill as declaratory of the law of Scotland. Did this authority—that of the Lord-justice Clerk a man of great learning and experience on subjects of this kind, justify his noble Friend who had brought forward this measure in the course he had pursued? But the matter did not even rest here. His noble and learned Friend said, that the present Lord President, who formerly filled the office of Lord Justice Clerk, had expressed himself adverse to the principle contained in the present proposed law. Now he had read that learned individual's judgment, and so far from concurring in the construction put upon it by his noble and learned Friend, he was on a former occasion about to read the very passage which had been quoted, for the purpose of showing that the present Lord President entertained a different opinion from that alleged by his noble and learned Friend. This was, however, now unnecessary, for he had seen a letter from the present Lord President on the subject of this very bill, which he would read—

"I hold that the enactments proposed in your bill are in consonance with the true prin-



ciples of the constitution of the Church of Scotland. I cannot, therefore, persuade myself that there is any solid ground for holding that your Lordships' bill can be justly viewed as impeaching the authority of the judgment in the Auchterarder case. In that case nothing was, in fact, judicially determined as to the extent of the power of the presbytery in trying the qualification and completing the admission of the presentee which the church had thought proper to devolve upon the communicants."

So that this learned judge, who pronounced a decision in the Auchterarder case, said there was nothing inconsistent with the law of Scotland in the provisions of the bill, still less was it not in consonance with the constitution of the Church of Scotland. Such were the opinions of lawyers of great authority and learning upon a question of Scotch law; such were some of the authorities upon which his noble Friend had thought himself justified in making this a declaratory law. But these were not the only authorities. The other night he had read to their Lordships a passage from the judgment of Lord Monteith, and in confirmation of what he was now stating, he would refer to a fact of no small importance in this question. He (the Lord Chancellor) had stated that in the case of "*Peyton v. the Earl of Zetland*," which had been decided in the second division of the Court of Session, Lord Medwyn, and Lord Meadowbank being present, the Lord Justice Clerk laid down the law in the manner he (the Lord Chancellor) was about to state. He said—

"The expressions I used were, that the presentee must be fit and suitable for the performance of the duties in that particular parish, and of that the presbytery shall be judges."

This the Lord Justice Clerk expressed more than once in the hearing both of Lord Medwyn and of Lord Meadowbank, and without any dissent on their parts, and therefore it must be presumed they concurred. This was a commentary upon the passage to which on a former evening he had referred, and which his noble and learned Friend thought of doubtful construction, but which he (the Lord Chancellor) thought admitted of no doubt, confirmed as it was by the circumstance he had just stated. He admitted that Lord Corehouse dissented from the decision, and that he stated there were other objections besides life, literature, and manners; but he was still an authority against that narrow construction; indeed, against the whole argument raised on the other side.

Then there was Lord Jeffrey, and five other judges of great learning; and with all these authorities in his favour, he again asked whether, under the circumstances, his noble Friend—himself a native of Scotland, and alive to her interests—and feeling strongly the opinions of the Scotch judges on this matter of Scotch law, was not justified in making this bill, supported as it was by such eminent authorities, declaratory? He gave an opinion upon Scotch law with great hesitation unless he heard the whole case argued at the bar, but then he felt confident by the application of industry and diligence to the consideration of the matter, of being able to form an opinion upon it. In this case, however, he referred their Lordships to those authorities of the highest eminence, and it was for their Lordships to determine whether with that weight of authority in its favour this bill ought to pass. There was another point upon which he wished to say a few words. Almost all the authorities which had been cited went to show that the jurisdiction of the presbytery preceded the Reformation. Now it was well known that everything was swept away at the Reformation, and that the canon law was trampled under foot. After this the act of Parliament passed in which the word "qualification" was used. Then he begged to ask what had been the uniform usage from that time to the present? He understood in practice the presbytery had never been limited to "life, literature, and manners," but were entitled to consider the fitness and suitableness of the party for the parish in which he was called upon to perform particular duties. It was not an ordination only, but the planting him in the parish. If the man was infirm, how could he discharge the duties of a large and populous parish? If he could not be heard—if he lisped or had a defect in his utterance, who had in all such cases to decide? Why, the presbytery; and, therefore, he thought the narrow construction which had been contended for was not warranted by cotemporaneous and constant practice. What was the form of the very instrument of presentation itself? Why, that the presbytery would admit So-and-so, "if you find him fit and qualified to fulfil the duties." Not qualified only, but fit and suitable to perform the duties for which he was to be placed in the parish. On the whole, he (the Lord Chancellor) rested the case on the authorities of the Scotch law, and upon those

authorities it was for their Lordships to say whether or not his noble Friend who had introduced this bill was justified in making it declaratory.

Lord *Denman* did not rise to discuss the question before the House as one of Scotch law, for that, he felt himself incapacitated: but the grounds upon which that declaratory law was proposed to be passed, were to his mind in the highest degree alarming, and struck deeply at the very roots of judicial authority in the country. A judgment was pronounced in the Court of Session, it was appealed from to that House, where a judgment, in which he took no part, was pronounced, —a judgment which he had read, as well as the reasons upon which it was founded, with the utmost pleasure and instruction. To his mind the arguments upon which that judgment was founded were well reasoned and conclusive. When he found a judgment pronounced by noble and learned Lords of such standing as agreed in the *Auchterarder* case, and when he found such reasons given for that judgment, he must say, that a very strong case must be made out before it should be set aside. Even if those reasons were incorrect, no court would be concluded by them. He was told that that was a measure of peace and conciliation, and that it was necessary that it should be passed in its present shape; was it necessary, then, to declare an untruth; was it necessary to declare that to be law which was not law? The noble and learned Lord on the Woolsack declined to give any opinion upon the law of Scotland; he said he acted upon the opinions of a minority of the judges which had been forwarded to him. He (Lord *Denman*) must most earnestly protest against all private canvassing of judges; he objected to all private communications being sought from judges; their opinions on points of law ought to be given publicly in open court. The Lord High Chancellor, the highest law authority in the land, entirely approved of the judgment of his noble and learned Friends, and of the reasons upon which it was founded; but in consequence of those letters—declining to give any opinion upon the matter, and standing upon these letters he gave his powerful support to the bill. Was such a high authority justified in calling upon their Lordships to declare that law upon which he refused to give any opinion?

The Lord High Chancellor declared that he was not able to make up his mind upon the law of the case, but, pinning his faith to the opinion of others, he called upon their Lordships to give their sanction to a bill declaring that law, upon which he could give no opinion. He felt it necessary for the due administration of the law, to protest against any such declaration of that which was not law; he felt that it would be fatal to the independence of all the courts of law. He (Lord *Denman*) stood upon the word “declaratory.” If that which was to be declared was the law, then the word was unnecessary: if not, then they were binding the courts to a decision of their own, which had been come to without any of those arguments which would naturally have arisen had it been come to in a court of law.

Lord *Campbell* said, before they made a declaratory law, it was necessary that they should know what the law was. By the acts of 1592 and 1567 the presbyteries were compelled to admit every qualified person, and the right of lay patronage was preserved. What was the meaning of qualification? It did not mean whatever the presbyteries might capriciously fancy, but a qualification to be determined by the life, literature, and manners of the party presented. He objected to private communications, conveyed by the medium of letters, being made the foundation of legislation, and concluded by observing, that their Lordships were now called upon by the present bill to declare that to be the law, which in their judicial capacity, they had declared not to be the law.

The House divided on the question, that the words proposed to be left out stand part of the clause:—Contents 30; Not Contents 8: Majority 22.

House resumed.

The *Chairman* reported progress. Committee to sit again.

The House adjourned at a quarter to one o'clock.

## HOUSE OF COMMONS,

*Monday, June 26, 1843.*

MINUTES.] *BILLS. Public.*—2<sup>o</sup>. Court of Exchequer (Ireland).

*Committed.*—Arms (Ireland); Fines and Penalties (Ireland).

*Reported.*—Appeals (Privy Council).

3<sup>o</sup>. and passed:—Sugar Duties.

*Private.*—2<sup>o</sup>. Marquess of Abercorn's Estate; Infant Orphan Asylum.

*Reported.*—Ross and Cromarty Jurisdiction,—Tay Ferries;



Inchbelly (Glasgow) Road; Northampton Improvement; Gorbals Police.

3<sup>d</sup>. and passed:—Liverpool Watering; Neath Harbour No. 2).

*Lords Amendments agreed to.*—Great Bromley Inclosure.

**PETITIONS PRESENTED.** From Whitby, Portsmouth, and Bridgwater, in favour of the Scientific Societies Bill.—From Kingston-upon-Hull, for a Tax on Wood cut by Saw-mills.—From a number of places against, and from five places in favour, of the Factories Bill.—From Ely, and Hedingham, against the Parochial Assessments Act.—From Ayr, for Amending the Laws relating to the Merchant Seamen's Fund.—From Drogheda, for a Clause in the Municipal Corporations (Ireland) Bill.—From Boyle, for Amending the Irish Poor-law, and to Exempt small Tenements from the payment of Rates.—From Gressenhall, for the Repeal of the Roman Catholic Relief Act.—From Auchtermuchty, for carrying out Rowland Hill's plan of Post-Office Reform.—From the Hackney Coach Proprietors, of London, for Amending the Metropolitan Hackney Carriages Act.—From Sutton-in-the-Forest, and Huby, against the Canada Corn Bill.—From Edinburgh, Huddersfield, Basford, H. D. Griffiths, and South Shields, for Mitigating the Sentence of the Chartist prisoners.—From T. Ness, in favour of Coroners Bill.—From Cadogan Williams, respecting Long Annuities.—From Samuel Gordon, for Enquiry into case of Hugh Boyd.

**ARMS (IRELAND) BILL.]** The House resolved itself into a committee on the Arms (Ireland) Bill.

On the question "that the Speaker do leave the chair,"

Viscount *Clements* said, that no returns as to the actual state of Ireland were made, to show any cause for a measure of this kind. No act of equal importance had ever been introduced to the Legislature on such slight grounds. One of the reasons assigned for the bill was, that men went about in some parts of Ireland administering unlawful oaths. Such a practice was fraught with serious evils, but who were the parties most to blame? Were they not the gentry, who in many instances took no pains to check it, but on the contrary, encouraged it, and administered oaths themselves in open fairs and markets on the most trivial occasions? He himself had seen a magistrate administering oaths at a toll-bar leading to a market-town on a market day. The statements which had been laid before the House by the noble Secretary for Ireland were founded upon the reports of the police officials; but no dependence could be placed upon such evidence. The homicides which took place in Ireland arose principally from family quarrels, and from disputes regarding property. Sometimes a farm of three or four acres in extent was as much encumbered as a nobleman's estate. Bequests were left to the children of the owner, to be paid by the successor to the property; and the quarrels which

rose respecting these bequests led to the perpetration of outrage and homicide. Those outrages were greatly exaggerated in the returns to which the noble Lord had referred. With respect to one of the items in those returns—that of burnings—it was notorious, that in many cases, when houses were accidentally destroyed by fire, the occupiers endeavoured to prove that the fires resulted from incendiarism, in order that they might obtain compensation by a grand jury presentment. He hoped the Government would consent to considerable modification in the provisions of this bill, so as to assimilate it to the measure of 1810, and then there would be some prospect of its adoption. By making some concessions, the Government would render it unnecessary for hon. Members on that side of the House to obstruct the progress of the measure. He felt it his duty to oppose the bill most strenuously in its present shape; and he would do so as long as he was supported by hon. Gentlemen near him.

Mr. *Wallace* had hoped that the noble Lord would have concluded by submitting a resolution to the House. He also would offer all the opposition in his power to this measure. He was the only Scotchman who opposed the Irish Coercion Bill; and he felt it equally his duty to oppose the bill now under consideration. He was himself opposed to a repeal of the legislative union; but he was decidedly of opinion that full opportunity should be afforded for the discussion of the question.

House in committee.

On clause 1 being read,

Lord *J. Russell* said, that before further progress was made in the consideration of the measure, he wished to ask the noble Lord opposite, whether the object which he had in view would not be attained by the retention of those clauses only which were similar to those in the existing Arms Act. He had not heard any reasons advanced by the noble Lord, or by any Member of the Government which, in his opinion, would justify the adoption of the additional clauses which had been introduced into the present bill. His opinion was borne out by the hon. Member for the University of Dublin (Mr. Shaw). He believed that many hon. Gentlemen would be ready to agree to the adoption of the measure, if only those clauses which existed in the present Arms Act were proposed, with such verbal

amendments as might be necessary. He begged, therefore, to ask the noble Lord whether he would be content to re-enact the existing Arms Act, without asking for those coercive and restrictive clauses which were introduced in the present measure? If the noble Lord assented to this suggestion, he (Lord J. Russell) would readily support the bill; but otherwise, he should feel it his duty to offer it his opposition.

Lord *Eliot* said, the noble Lord who had just sat down, and the noble Lord, the Member for Tiverton (Lord Palmerston), had by their speeches and votes recorded their opinions that an Arms Act was necessary in Ireland. The question, therefore was, whether such an act ought not to be made effectual for the accomplishment of the objects for which it was enacted? It was the general opinion of the witnesses examined before the committee of the House of Lords in 1839, that it was absolutely necessary some measures should be adopted for facilitating the identification of arms which might be stolen or improperly obtained. Parties in the possession of unregistered arms were now liable to penalties; but there were no means of ascertaining whether arms were or were not registered. Without going so far as to say that the present law was inoperative, he must say that it was not so effective as a measure of that nature ought to be; and, acting upon the advice and opinions of persons conversant with the subject, and having come to the conclusion that additional enactments—especially with reference to the identification of arms—were necessary, he had proposed the present measure. He believed the only means of effectually ascertaining their identity was by putting upon them some distinctive mark; but it was proposed, that where the arms bore such distinctive marks as might be sufficient for the purpose of identification, the owners should not be compelled to have them branded. He would also propose to substitute the word “mark” for “brand” in the bill, as it had been recommended that another mode of marking should be adopted instead of branding. He regretted that he could not accede to the suggestion of the noble Lord as to the withdrawal of the additional clauses which had been proposed in this measure.

Lord *J. Russell* said, that the noble Lord had formerly said, that this was the

renewal of a measure which had been in operation for half a century, but his argument now was, that the Arms Act had been inoperative, and that it was necessary, therefore, to have these additional stringent clauses. Therefore, the Government now lost the benefit of the argument that this was merely a renewal of the old measure, and the argument became this, that it was necessary to have a new act containing more restrictive provisions. That being the case, he should consider himself at perfect liberty to oppose the measure. The provisions with regard to branding gave more power, and were more odious than any which had hitherto passed. He thought the object of the House ought to be to pass such a measure, if necessary to pass it at all, as should not now irritate Ireland. They ought not to give new and oppressive powers to the magistracy, and so teach the people that they were subjected to a new species of oppression. That seemed to him to be the plain sense of the case. If the noble Lord, then, was not content with that which former Governments had been content with—that which Mr. Wellesley Pole had been content with—that which every Government for thirty-three years had been content with—the Lord noble should have his hearty opposition.

Lord *Eliot* said, the noble Lord, with his accustomed ingenuity, but not with his accustomed candour, had greatly distorted what had just fallen from him; but doubtless it was very convenient to build the change in the noble Lord's tactics on his statement. He would ask the noble Lord to refer to the Arms Bill of 1838, and see whether his bill were not the milder of the two? The opposition which the noble Lord now menaced was not what he had a right to expect; but he was quite prepared to discuss the provisions of the bill. He did not say the present Arms Act was inoperative and inefficacious. As he had said before, he regretted that these restraints on the people were necessary; but he felt that the House was bound to pass them. The present law, he said distinctly, was inoperative; a great number of arms were registered in Ireland, and a great number seized; but under the present law, the police had no right, if they met a man with arms, to ask if they were registered. He thought that the noble Lord had totally misrepresented what he had said; and his hopes that the noble



Lord would have discussed the measure in a fair and candid spirit, were disappointed.

Mr. *Hume* was glad to hear that the noble Lord (Lord J. Russell) intended to oppose the bill, and wished that he had acted in the same spirit when he was in office. However, it was better late than never. The circumstances of the times did not require such an enactment, and that if justice was done to Ireland she would cease to complain. It seemed to him that Ministers were running quite wild, or were positively mad—upon the subject of Ireland.

Lord *John Russell* should not have opposed the bill had its provisions been the same as those he formerly supported; he had voted for going into the committee because it seemed to him that an Arms Continuance Bill was necessary, but not such an Arms Bill as that now under consideration. It was said that in 1838 he had voted for a bill like the present; that bill was without the branding and some other vexatious provisions. In 1839 the then Government had considered the subject most carefully, and had come to the conclusion that an Arms Continuance Bill would be sufficient.

The *O'Conor Don* regretted that the suggestion of the noble Lord (Lord J. Russell) had not been acceded to, especially after the admission of the right hon. Member for Dublin University, that neither he nor his friends wished for the additional clauses, unless Ministers could establish the necessity for them.

Sir *H. W. Barron* said, that crime had been on the decrease in Ireland for the last fifteen years, and, therefore, the necessity for an Arms Bill on the showing of the Government was less necessary. There was no case to justify such a measure, and the only ground that had been urged was, it had been passed by former Governments. This, however, was a gross delusion, for the severity of the enactments of the bill were increased to a monstrous extent in comparison with the former acts.

In clause 1, Mr. *Smith O'Brien* objected to the words (lines 16 and 17), which rendered it necessary for persons to register arms already registered according to the provisions of existing acts; and proposed to omit them and insert in their stead words enabling persons already legally authorised to retain their arms without further register.

After some conversation the committee divided on the question, that the words proposed to be left out stand part of the clause. Ayes 85; Noes 50: Majority 35.

[The great number of divisions which took place on the Arms Bill compels us to omit the names on all but the most important. We may take the opportunity of adding, that the protracted opposition given to the Bill came chiefly from the Members for Ireland opposed to the Ministers. It was conducted chiefly across the Table, by way of conversation.]

The committee again divided, on an amendment having been moved by Mr. *W. S. O'Brien* to leave out the words requiring a specification to be given of the place where arms were to be kept and deposited.

On the question that the words proposed to be left out stand part of the clause.—Ayes 107; Noes 36: Majority 71.

After some further discussion and some amendments having been made in the clause, the committee divided on the question that the clause as amended stand part of the bill. Ayes 123; Noes 62: Majority 61.

#### *List of the AYES.*

Acton, Col.	Damer, hon. Col.
Ainsworth, P.	Darby, G.
Antrobus, E.	Denison, E. B.
Arbuthnot, hon. H.	Douglas, Sir C. E.
Arkwright, G.	Douro, Marq. of
Baillie, Col.	Dugdale, W. S.
Baillie, H. J.	Dungannon, Visct.
Baird, W.	East, J. B.
Baring, hon. W. B.	Eaton, R. J.
Barrington, Visct.	Egerton, W. T.
Baskerville, T. B. M.	Eliot, Lord
Bateson, R.	Estcourt, T. G. B.
Bernard, Visct.	Fellowes, E.
Blackburne, J. I.	Fitzmaurice, hon. W.
Boldero, H. G.	Flower, Sir J.
Borthwick, P.	Forman, T. S.
Boyd, J.	Fuller, A. E.
Bramston, T. W.	Gaskell, J. Milnes
Brooke, Sir A. B.	Gladstone, rt. hn. W. E.
Buck, L. W.	Godson, R.
Buller, Sir J. Y.	Gordon, hon. Capt.
Bunbury, T.	Gore, W. O.
Chetwode, Sir J.	Gore, W. R. O.
Christopher, R. A.	Goulburn, rt. hon. H.
Clerk, Sir G.	Graham, rt. hn. Sir J.
Cochrane, A.	Grimsditch, T.
Collett, W. R.	Grogan, E.
Connolly, Col.	Hamilton, J. H.
Copeland, Mr. Ald.	Hamilton, G. A.
Corry, rt. hon. H.	Hamilton, Lord C.
Cresswell, B.	Hampden, R.

Harcourt, G. G.	Peel, J.
Hardinge, rt. hn. Sir H.	Polhill, F.
Hayes, Sir E.	Praed, W. T.
Hepburn, Sir T. B.	Pringle, A.
Hinde, J. H.	Pusey, P.
Hope, hon. C.	Rose, rt. hon. Sir G.
Hope, G. W.	Round, C. G.
Hornby, J.	Round, J.
Hughes, W. B.	Rushbrooke, Col.
Hussey, A.	Shaw, rt. hon. F.
Hussey, T.	Shirley, E. P.
Irton, S.	Smith, A.
Jermyn, Earl	Smith, rt. hn. T. B. C.
Jocelyn, Visct.	Smythe, hon. G.
Kemble, H.	Smollett, A.
Knatchbull, rt. hn. Sir E.	Somerset, Lord G.
Law, hon. C. E.	Stanley, Lord
Lefroy, A.	Sutton, hon. H. M.
Lincoln, Earl of	Tennent, J. E.
Lockhart, W.	Thornhill, G.
Lowther, J. H.	Tollemache, hn. F. J.
Lygon, hon. Gen.	Trench, Sir F. W.
Mackenzie, T.	Trollope, Sir J.
Mc. Geachy, F. A.	Turnor, C.
Mainwaring, T.	Verner, Col.
Marshall, Visct.	Vivian, J. E.
Masterman, J.	Welby, G. E.
Maxwell, hn. J. P.	Wellesley, Lord C.
Meynell, Capt.	Wood, Col.
Mundy, E. M.	TELLERS.
Northland, Visct.	Fremantle, Sir T.
Peel, rt. hon. Sir R.	Young, Mr.

*List of the NOES.*

Baring, rt. hon. F. T.	O'Brien, W. S.
Barnard, E. G.	O'Connell, M. J.
Barron, Sir H. W.	O'Connor Don
Bodkin, J. J.	O'Ferrall, R. M.
Bowring, Dr.	Parker, J.
Browne, hon. W.	Pechell, Capt.
Byng, G.	Pendarves, E. W. W.
Chapman, B.	Philips, G. R.
Clements, Visct.	Pigot, rt. hon. D.
Colebrooke, Sir T. E.	Plumridge, Capt.
Collett, J.	Pulsford, R.
Collins, W.	Roche, Sir D.
Dawson, hon. T. V.	Ross, D. R.
D'Eyncourt, rt. hn. C. T.	Russell, Lord J.
Duncan, G.	Seale, Sir J. H.
Ebrington, Visct.	Smith, rt. hon. R. V.
Evans, W.	Stuart, W. V.
Fitzroy, Lord C.	Strutt, E.
Gisborne, T.	Tancred, H. W.
Grey, rt. hn. Sir G.	Trelawny, J. S.
Grosvenor, Lord R.	Tuite, H. M.
Hall, Sir B.	Wall, C. B.
Hatton, Capt. V.	Wallace, R.
Hawes, B.	Ward, H. G.
Hutt, W.	Wawn, J. T.
James, W.	Williams, W.
Labouchere, rt. hn. H.	Wood, B.
Langton, W. G.	Wrightson, W. B.
Marjoribanks, S.	Yorke, H. R.
Marshall, W.	
Napier, Sir C.	TELLERS,
Norreys, Sir D. J.	Crawford, S.
O'Brien, J.	Wyse,

Clause agreed to.

Clause 2 agreed to.

After discussion, clauses 3 and 4 were postponed.

Clause 5 with amendments was agreed to.

On clause 6, some confused and stormy discussion took place.

Mr. *R. Yorke* said, that after the disgraceful proceeding they witnessed, he begged to move that the chairman report progress.

The committee divided on the question Ayes 24; Noes 229: Majority 205.

The committee again divided on the question that the clause as amended stand part of the bill. Ayes 167; Noes 96: Majority 71.

*List of the AYES.*

A'Court, Capt.	Douro, Marquess of
Acton, Col.	Drummond, H. H.
Adare, Visct.	Duncombe, hon. O.
Adderley, C. B.	Dungannon, Visct.
Allix, J. P.	East, J. B.
Arbuthnot, hon. H.	Egerton, W. T.
Archdall, Capt. M.	Egerton, Sir P.
Bailey, J.	Eliot, Lord
Baillie, Col.	Emlyn, Visct.
Baillie, H. J.	Farnham, E. B.
Baird, W.	Fitzmaurice, hon. W.
Balfour, J. M.	Flower, Sir J.
Baring, hon. W. B.	Forbes, W.
Baring, H. B.	Forester, hn. G. C. W.
Barrington, Visct.	Fox, S. L.
Baskerville, T. B. M.	Fuller, A. E.
Bateson, R.	Gaskell, J. Milnes
Bernard, Visct.	Gladstone, rt. hn. W. E.
Blackburne, J. I.	Gladstone, Capt.
Blackstone, W. S.	Glynne, Sir S. R.
Boldero, H. G.	Godson, R.
Borthwick, P.	Gordon, hon. Capt.
Boyd, J.	Gore, W. O.
Broadley, H.	Gore, W. R. O.
Brooke, Sir A. B.	Goulburn, rt. hn. H.
Buller, Sir J. Y.	Graham, rt. hn. Sir J.
Bunbury, T.	Gregory, W. H.
Burrell, Sir C. M.	Grimston, Visct.
Chetwode, Sir J.	Grogan, E.
Christopher, R. A.	Hamilton, J. H.
Clerk, Sir G.	Hamilton, G. A.
Clive, Visct.	Hamilton, Lord C.
Collett, W. R.	Hanmer, Sir J.
Colquhoun, J. C.	Harcourt, G. G.
Colville, C. R.	Hardinge, rt. hn. Sir H.
Copeland, Mr. Ald.	Hardy, J.
Corry, rt. hon. H.	Hepburn, Sir T. B.
Cresswell, B.	Hervey, Lord A.
Cripps, W.	Hinde, J. H.
Damer, hon. Col.	Hodgson, F.
Darby, G.	Hodgson, R.
Denison, E. B.	Hogg, J. W.
Dodd, G.	Hope, G. W.
Douglas, Sir H.	Howard, P. H.
Douglas, Sir C. E.	Hughes, W. B.



Hussey, T.  
 Ingestrie, Visct.  
 Irton, S.  
 Jermyn, Earl  
 Jocelyn, Visct.  
 Johnstone, Sir J.  
 Knatchbull, rt. hn. Sir E.  
 Lefroy, A.  
 Leslie, C. P.  
 Lincoln, Earl of  
 Lockhart, W.  
 Lowther, hon. Col.  
 Mackenzie, T.  
 McGeachy, F. A.  
 Mainwaring, T.  
 Manners, Lord C. S.  
 March, Earl of  
 Marsham, Visct.  
 Martin, C. W.  
 Masterman, J.  
 Maxwell, hon. J. P.  
 Meynell, Capt.  
 Mordaunt, Sir J.  
 Morgan, O.  
 Mundy, E. M.  
 Need, J.  
 Neville, R.  
 Newdigate, C. N.  
 Newport, Visct.  
 Newry, Visct.  
 Northland, Visct.  
 O'Brien, A. S.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, J.  
 Pennant, hon. Col.  
 Polhill, F.  
 Pollock, Sir F.  
 Praed, W. T.  
 Pringle, A.  
 Pusey, P.  
 Repton, G. W. J.  
 Rose, rt. hn. Sir G.  
 Round, J.  
 Rous, hon. Capt.  
 Rushbrooke, Col.  
 Russell, C.  
 Russell, J. D. W.  
 Scarlett, hon. R. C.  
 Seymour, Sir H. B.  
 Shaw, rt. hon. F.  
 Shirley, E. P.  
 Smith, A.  
 Smith, rt. hn. T. B. C.  
 Smollett, A.  
 Somers, Lord G.  
 Stanley, Lord  
 Stuart, H.  
 Sturt, H. C.  
 Sutton, hon. H. M.  
 Talbot, C. R. M.  
 Tennent, J. E.  
 Thesiger, F.  
 Thornhill, G.  
 Tollemache, J.  
 Tomline, G.  
 Trench, Sir F. W.  
 Trollope, Sir J.  
 Turnor, C.  
 Verner, Col.  
 Waddington, H. S.  
 Welby, G. E.  
 Wellesley, Lord C.  
 Wood, Col.  
 Wortley, hon. J. S.  
 Wortley, hon. J. S.  
 Wynn, Sir W. W.  
 TELLERS.  
 Freemantle, Sir T.  
 Young, J.

### List of the NOES.

Archbold, R.  
 Bannerman, A.  
 Baring, rt. hn. F. T.  
 Barron, Sir H. W.  
 Berkeley, hon. C.  
 Bernal, Capt.  
 Bodkin, J. J.  
 Bowring, Dr.  
 Browne, hon. W.  
 Buller, E.  
 Cavendish, hon. C. C.  
 Chapman, B.  
 Cochrane, A.  
 Colborne, hn. W. N. R.  
 Colebrooke, Sir T. E.  
 Collett, J.  
 Corbally, M. E.  
 Courtenay, Lord  
 Craig, W. G.  
 Crawford, W. S.  
 Dalrymple, Capt.  
 Dawson, hon. T. V.  
 D'Eyncourt, rt. hn. C. T.  
 Disraeli, B.  
 Duke, Sir J.  
 Duncan, Visct.  
 Duncombe, T.  
 Ellice, E.  
 Evans, W.  
 Ferguson, Col.  
 Ferguson, Sir R. A.  
 Forster, M.  
 Gisborne, T.  
 Gore, hon. R.  
 Grey, rt. hon. Sir G.  
 Hall, Sir B.  
 Hallyburton, Ld. J. F.  
 Hayes, Sir E.  
 Hill, Lord M.  
 Holland, R.  
 Horsman, E.  
 Hutt, W.  
 James, W.  
 Jervis, J.  
 Labouchere, rt. hn. H.  
 Langton, W. G.  
 Leveson, Lord  
 Listowell, Earl of  
 Macaulay, rt. hn. T. B.  
 Majoribanks, S.

Marshall, W.  
 Morris, D.  
 Murphy, F. S.  
 O'Brien, J.  
 O'Brien, W. S.  
 O'Connell, M. J.  
 O'Connor Don  
 O'Ferrall, R. M.  
 Paget, Lord A.  
 Palmerston, Visct.  
 Parker, J.  
 Pechell, Capt.  
 Philips, G. R.  
 Pigot, rt. hon. D.  
 Ponsonby, hon. C. F. C.  
 Ponsonby, hon. J. G.  
 Pryse, P.  
 Pulsford, R.  
 Rice, E. R.  
 Roche, Sir D.  
 Ross, D. R.  
 Russell, Lord, J.  
 Russell, Lord E.  
 Seale, Sir J. H.  
 Smith, J. A.  
 Smith, rt. hn. R. V.  
 Smythe, hon. G.  
 Stuart, W. V.  
 Strutt, E.  
 Tancred, H. W.  
 Thornely, T.  
 Trelawny, J. S.  
 Tufnell, H.  
 Tuite, H. M.  
 Vesey, hon. T.  
 Villiers, hon. C.  
 Vivian, hon. Capt.  
 Wall, C. B.  
 Wallace, R.  
 Ward, H. G.  
 Watson, W. H.  
 Wawn, J. T.  
 Wood, B.  
 Wood, G. W.  
 Wyse, T.  
 Yorke, H. R.  
 TELLERS.  
 Clements, Visct.  
 Connolly, Colonel

Clause agreed to.

On clause 7 being put and objected to, Sir *R. Ferguson* proposed that the appeal should be to the next going judge of assize, instead of to the justices at the next general sessions.

Mr. *Pigot* thought that it would be much better to leave the matter to the discretion of the justices who possessed local knowledge, instead of throwing the duty on the judge, who had not the same opportunity of obtaining information.

Mr. *Smith O'Brien* moved that the Chairman report progress.

The House resumed, the Chairman reported progress, the Committee to sit again.

APPEALS — PRIVY COUNCIL.] Viscount *Palmerston* objected to the 11th clause of the bill. It appeared to him to be directed against a particular individual, Lieutenant Burslam, and it would have the effect of an *ex post facto* law.

Sir *James Graham* said, it appeared to him that the clause would inflict a personal hardship; but upon consultation with the highest judicial authorities, he was of opinion that the clause should pass, and that it should do so for the purpose of effecting that particular case alluded to.

Mr. *Thesiger* considered that such a mode of legislation was unprecedented in this country. It never before, at least, had been avowed. Lieutenant Burslam had taken advantage of the law, as he had

a right to do, and it would be monstrous now to deprive him of that which the law gave him.

Bill went through committee. To be reported.

The House adjourned at half-past one.

## HOUSE OF LORDS,

Tuesday, June 27, 1843.

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Sugar Duties.

2<sup>a</sup>. Church Endowment.

*Reported.* Apprehension of Offenders.

*Received the Royal Assent.*—Princess Augusta's Annuity; Assessed Taxes; Copyhold and Customary Tenure Act Amendment; Millbank Prison.

*Private.*—1<sup>o</sup>. Saggart Inclosure Award (or Swifts Hospital) Estate; Tay Ferries; Liverpool Watering; Neath Harbour (No. 2).

2<sup>a</sup>. Oxnam's Estate; Bolton Waterworks.

3<sup>a</sup>. and passed:—Southampton Docks; Leighton Bussard Inclosure; Drumpeller Railway (No. 2); Dowager Countess of Waldegrave's Estate.

*Received the Royal Assent.*—Clarence Railway; Liskeard and Caradon Railway; Glasgow, Paisley, and Greenock Railway; South Eastern Railway Extension; South Eastern and Maidstone Railway; Bristol and Gloucester Railway; Ballochney Railway; Forth Navigation; Edinburgh and Glasgow Union Canal; Scarborough Harbour; Saltcoats Harbour; Belfast Harbour; Wexford Harbour; Piel Pier; Kentish Town Paving; Leamington Priors Improvement; Glasgow City and Suburban Gas; Thames Lastage and Ballastage; Birmingham and Gloucester Railway; Merthyr Tydvil Stipendiary Magistrates; Plymouth, etc., Roads, Carriages, and Boats Regulation; Bannbridge Roads; Balfour's Estate; Hawkins's Estate; Haddenham Inclosure; Great Bromley Inclosure; Kendall's Divorce; Watson's Divorce; Sowerby and Soyland Inclosure; Chalgrove Inclosure.

*PETITIONS PRESENTED.* By the Duke of Rutland, from Ilkeston, for Amending the Poor-laws.—From Ilkeston, also, for the Repeal of the Corn-laws.—From Bogle, against the Irish Poor-law, and to be relieved from the Re-payment of the Money advanced by Government.

**CHURCH ENDOWMENTS.]** The Bishop of London, in moving the second reading of the Church Endowment Bill, said, this measure, which he anticipated would be of great advantage to the Church and the country, had passed through the other House of Parliament with great unanimity, and he hoped would be received by their Lordships with an equal measure of favour. He did not contemplate any objection to the principle of the bill, which was to enable the Church to provide, from her own resources, more effectually for the spiritual destitution which prevailed so extensively in some parts of the kingdom. The operations of the ecclesiastical commissioners were too slow in their progress to supply an adequate remedy to evils which must otherwise exist in undiminished intensity; it therefore appeared advisable to take mea-

asures for obtaining a more speedy and comprehensive corrective system. To this end, it was proposed to anticipate the accruing funds of the commission, and to borrow on the security of the estates now in their hands, or which would come into their hands by the operation of the law, the sum of 600,000*l.* to be applied at once to the endowment of a considerable number of additional benefices in the most populous and spiritually destitute parts of the kingdom. He could not omit this opportunity of inculcating on those who concentrated population in vast masses in the manufacturing districts and used them as the means of accumulating wealth, the necessity of doing something for the education of the children under their charge, and the provision of pastoral care and superintendence for those who contributed by their own labours and privations, and those of their children to the accumulation of that wealth purchased at so great a sacrifice. Those on whose lands manufactories have been built, and let out, were equally bound to this duty, in proportion to their interests and means. Much good had been effected within the last few years, by the ecclesiastical commissioners, and with their assistance great progress had been made in supplying the spiritual wants of the metropolis, and of those districts of the country which stood most in need of increased pastoral care. He had great pleasure in acknowledging that large landed proprietors, and others whose means enabled them, had come forward in his own diocese, and by liberal contributions to the endowment fund, or by erecting churches at their own expense had done much for the mitigation of a large amount of evil. He believed it to be the best policy for the Church to put forth its own resources in the first instance for the extension of its means of usefulness, in order that if, at some future time they should find that those resources were insufficient, and that there were still insuperable obstacles to the diffusion of religious knowledge, they might not find the Legislature indisposed to help them in the great work. As there was a considerable number of amendments to be made in the bill, he should propose to fix a day for committing it *pro forma*, when the amendments could be made and the bill printed to be afterwards re-committed.

Lord Monteaale said, that the bill could



not be more appropriately introduced than by the right rev. Prelate who had made such exertions to promote Christian and religious instruction. There were some characteristics of this bill of which he approved, such as the encouragement held out to individuals to contribute by vesting the patronage of the Church in the persons who assisted in its endowment. If that principle were more generally adopted, religious instruction would have been more extended. The right rev. Prelate and the Ecclesiastical commissioners had done wisely in obtaining aid in this way. He would recommend more economy in the decoration of churches. The money expended in outward show in many of the new churches such as those in Marylebone and St. Pancras, might have been much better expended in providing actual accommodation for the church-goers. Many people, who would have cheerfully submitted to local taxation for the real purposes of church accommodation, felt repugnant to the idea of being taxed double and treble the necessary amount, for mere matters of decoration.

Lord Brougham approved of the bill. He regretted that the zeal which animated religious parties in this country was not better guided by knowledge and more tempered by charity. His noble Friend (Viscount Melbourne) had done himself honour by taking the earliest opportunity to express his regret at the loss of the education clauses of the Factories Bill. Like his noble Friend, he had had many petitions entrusted to him, praying for the withdrawal of those clauses; but though he felt much respect for the individuals who had signed these petitions, yet he could not concur in their hostility. He must be permitted to say, whilst alluding to that question, that the Church had gone a great way to meet the peculiar sectarian opinions prevalent in the present day, and he much regretted that these sects had not themselves manifested a spirit of concession. They had not, however, gone a single step towards the Church party, and the consequence was, that the important measure was lost. The prediction which he had made four years previously had then been fulfilled. Whatever zeal the religious parties of the country manifested for the promotion of religious education, that religious zeal was marred by either controversial acrimony or by a desire to obtain a victory

over an opponent. He trusted that the measure before the House which established additional means of religious instruction, and which was founded, as the right rev. Prelate stated, upon the most unexceptionable principles, would be permitted to pass their Lordships' House. He hoped that the measure would be followed by others having the same object in view, viz., the dissemination of sound religious instruction amongst the large classes of the community.

The Bishop of *London* said, that in the northern and eastern districts of the metropolis about forty churches had been built through his exertions, and if the noble Lord would go and look at those churches, he would not find any of them overloaded with unnecessary decoration. The churches to which the noble Lord had alluded were built by local self-taxation; and, of course, those who taxed themselves for that purpose were at liberty to indulge in their taste for decoration.

Bill read a second time.

THE SCOTCH CHURCH.] Lord Brougham would take that opportunity of expressing his surprise at the extraordinary manner in which the House had proceeded on the preceding evening with the Church of Scotland Benefices Bill. He had requested, that the bill might be postponed, as he was suffering from indisposition, and could not remain in the House to take a share in the debate. The bill declared that to be law which the judges of Scotland had pronounced not to be law; and which their Lordships, in confirming the judgment of the Scottish courts, had likewise declared to be illegal. The bill was a direct insult to all the judges of Scotland, and this insult was inflicted to gratify some private parties. That came of having a relation in the Cabinet.

The Earl of *Haddington* thought the noble and learned Lord could not have chosen a more inconvenient manner or a more extraordinary time for introducing such remarks, instead of taking an opportunity of expressing his sentiments when the subject was regularly under discussion. [Lord Brougham: Was I here last night?] The Earl of *Haddington*: The opportunity was certainly chosen for these singular observations, when his noble Friend, (the Earl of *Aberdeen*) was absent. His noble Friend felt himself impelled by a sense of duty to take the

course he had taken. His object was, if possible, to prevent a farther diminution and weakening of the church of Scotland; believing that if this bill were not passed, their Lordships would see the church of Scotland disestablished. He thought the noble and learned Lord had expressed himself somewhat rashly on the present occasion; for he had yet to learn that the opinions of a court of justice, pronounced in the decision of a cause, carried such weight with them as to preclude their Lordships from legislating on the subject.

Lord *Brougham*: The noble Lord complains of what he calls the extraordinary opportunity selected by me for my singular observations! What care I for a public breakfast? The extraordinary part of the matter is, that the Earl of Aberdeen should not be in his place to answer me. The noble Earl knows that I was here last night, and asked, as a personal favour, on the ground of indisposition, that the committee on the bill might be postponed. I was the party about to be put on my trial. I was the party whose law was about to be declared to be wrong, by this political act which interferes with the functions of the judges in your Lordships' House. I was not, however, to be indulged, it seems, for, to my utter astonishment, the bill was debated in my absence, and my law was declared to be erroneous behind my back. That is extraordinary; and not that I come down on the first occasion to complain of the treatment I have received. I will not condescend to discuss the question of the Scottish law with my noble Friend.

Lord *Campbell* thought his noble and learned Friend was not only justified in taking the earliest opportunity of complaining of the manner in which the bill had been brought on last night, but he was quite right in doing so. The bill raised the question of the validity of his noble and learned Friend's decision, and on that ground his noble and learned Friend asked that the bill might be postponed till this day, or Thursday. That request was refused, because there was this day to be a breakfast, at which most of the noble Lords who usually sat on the opposite benches were to be present, and which, it seemed, they preferred to a discussion on the law of the church of Scotland.

Their Lordships adjourned.

## HOUSE OF COMMONS,

Tuesday, June 27, 1843.

MINUTES.] ELECTION PETITIONS.—By Mr. Gisborne, from Alfred Butler, against Portions of the Evidence given before the Nottingham Election Committee.

BILLS. *Private*.—*Reported*.—Deptford Poor and Improvement; Monkland and Kirkintilloch Railway.

3<sup>d</sup>. and passed:—Inchbelly (Glasgow) Road: Tay Ferries.

PETITIONS PRESENTED. By Mr. S. Crawford, from Newcastle-upon-Tyne, and Gateshead, for the Repeal of the Legislative Union with Ireland.—By Mr. Hume, Mr. M. Gibson, Mr. Wallace, Lord Ebrington, and Sir T. Wilde, from a number of places, for carrying out Rowland Hill's plan of Post-Office Reform.—By Mr. Aldam, from Leeds, in favour of the County Courts Bill.—By hon. Members, from Bolton, and Ashton-under-Lyne, for a Duty on Wood sawed by Steam Power.—From York Street, for the Repeal of the Corn-laws.—From Huddersfield, against the County Courts Bill.—From Cork, for placing the Irish Spirit Trade on the Same Footing as the English.—From Belfast and other places, for Regulating the Working Hours of Bakers in Ireland.—From Belfast, for Amending the Law relating to the Merchant Seamen's Fund.—From Maidstone, against the Beer Act.—From Belfast, etc., for Extending to Ireland the Act 1 and 2 Vict. relating to Tenements Recovery.—From Arbroath, against Machinery.—From Leeds, for withdrawing the King of Hanover's Pension.—From the Kenmare Teetotal Society against being made to appear a secret society.—From Islington and Manchester, in favour of the Scientific Societies Bill.—From Lambeth, for Removing the Chartist Prisoners from Stafford Gaol to the Queen's Bench Prison.—From Bethnal Green, against the Poor-laws.—From Bacup, respecting Smoke from Factories.—From many places against, and one in favour of Factories Bill.—From Thomas Russell, complaining of Pensions to Royal Family.

WAR IN SCINDE.] Mr. *Roebuck* inquired if it was the intention of the Government to propose a vote of thanks to Sir C. Napier and the army now in occupation at Scinde?

Lord *Stanley* said, that looking at the achievements in Scinde, in a military point of view, there could be but one feeling of unmingled satisfaction and pride at the gallantry and skill that had been displayed by the commander and the army in surmounting the obstacles that had been opposed to them—the intense heat, the difficulties of the country, and the superior numbers by which they had been encountered—the gallantry and skill that had been evinced combined to render their achievements equal, if not superior, to any that had been recorded of the British arms in these later times. Her Majesty's Government had not been unmindful of the services of Sir C. Napier and his gallant army, and he (Lord Stanley) had the satisfaction of announcing that her Majesty had issued her commands that the Grand Cross of the Military Order of the Bath should be granted to Sir C. Napier, in addition to a regiment which had already been conferred upon him. With



regard to the manner in which her Majesty's approval of the gallant conduct should be conveyed to the officers and men under Sir C. Napier's command, and who so well deserved to share in the honours of their general, he could not at that moment state anything decisive, but the subject was at the present moment under the consideration of the military authorities. With respect, however, to a vote of thanks, the hon. and learned Member would find that, according to the precedents, it was not usual to propose such a vote until the operations had been brought to a termination. There was little doubt as to the operations of Sir C. Napier having been finally successful, but the next mail would bring intelligence which would enable the House to form a more complete judgment on the present case; and for the present, therefore, he would defer announcing any intentions on the part of her Majesty's Government.

POSTAGE REFORM.—MR. R. HILL.] Sir Thomas Wilde rose to call the attention of the House to a petition which had been presented by Mr. Rowland Hill, on the subject of the Post-office. He felt satisfied that the House, after what had occurred, would deem the matter to which the petition related of sufficient importance to justify him in bringing it under the consideration of the House. It would be in the recollection of the House, that at a time, which the state of the revenue did not render peculiarly propitious for that purpose, the House entered into an inquiry as to the practicability of a plan proposed by Mr. Rowland Hill, for the purpose of reducing the postage upon letters from the then various amounts to one uniform charge of one penny. It was not disguised that such a plan must be attended, in all probability, with a permanent diminution of revenue, to a small amount, while it would lead to a temporary diminution to a considerable extent. But the House evinced its high estimate of the value of the plan, by adopting it, notwithstanding it was especially expedient to avoid at that time reducing the revenue, except for objects of paramount importance. This plan had been published by Mr. Rowland Hill, in the year 1837, when he first presented to the public attention the great advantage which would result from the adoption of a uniform rate of postage, accompanied by considerable reduction; and expressed an opinion, that although a loss in the revenue would be

sustained in the first instance, yet the ultimate defalcation might to a great extent be made good, by an alteration in the management of the Post-office. The plan combined three several subjects: first, the reduction of a tax; second, increased public convenience; and third, an economical management. Mr. Hill presented this as one entire plan. He did not propose or recommend any one of these measures for adoption, except in connection with the others. The state of the Post-office at that time was a subject of remark both in Parliament and out of it; and various commissions had issued for inquiry into its management; and in the fourth report it was stated,

"That they (the Commissioners) had sufficiently informed themselves on the subject to be satisfied that an alteration of the present system was absolutely necessary."

The defect of the existing system must be obvious from the fact, that during the twenty years previous to the appearance of Mr. Hill's pamphlet, notwithstanding the great increase of population, and the extension of trade, no improvement had occurred in the revenue of the Post-office. The noble Lord, the present Postmaster-general, gave certain evidence before the commission in the year 1836, which will be found in the sixth report. He did not know whether the atmosphere of the Post-office had any particular effect, but opinions are much changed, when persons have been occupied for a certain period on that spot. What therefore might be the opinion of the noble Lord on the subject at the present moment he would not venture to say; but, if the improvements suggested for the Post-office management were to be left entirely to the conduct and control of the Post-office authorities themselves, it was essentially necessary to know what had been their conduct in former times, in order to ascertain with what vigour improvements had been carried out. The noble Lord being asked whether in the course of his inquiries as a Post-office commissioner, he had formed any opinion as to the merits of the then present system of conducting the department under a Postmaster-general, or as to the propriety of substituting any other form of management, answered as follows:—

"I was not long enough in the office of Commissioner to have been able to consider that subject with my Colleagues; but my observation of the Post-office has led me to this conclusion. I think the present system has proved that it is not at all adapted to the active circumstances of the times, and I should feel disposed

to new model and re-construct the Post-office Department altogether. I think one sees, in the present state of the Post-office, that it remains just what it was ever since the improvement it underwent in 1797 and 1798; there has hardly been any alteration since in its details except what has actually been forced upon it by the public."

This remark of the noble Lord would equally apply to the year 1843:—

"The duties of the Post-office (the noble Lord continued) are becoming now so great, notwithstanding its inconvenient and almost prohibitory arrangements, and so general, and from the present state of the world, and our constant communication with the East, and with America, I should look to England as being in a great degree the Post-office of the world, if facilities were offered; and however capable or industrious one man might be I should conceive he could hardly be qualified to look into the number of details that that office would embrace in all its ramifications. I should think the better way would be to have a board as in France (there it is called a Council), with a head and two assistants, one to superintend the Home Department of the Post-office, and the other, the Foreign department, and colonies; and the head would have a general view over the arrangements of the whole office.

After the publication of Mr. Rowland Hill's plan, the House instituted an inquiry into the condition of the Post-office, with a view to ascertain the expediency of carrying into execution that plan.

"And among other defects which appeared in the existing system the committee were satisfied from the evidence that evasion was practised almost without restraint; that the rates of postage were so high, as in effect to deprive the poor of the convenience of the Post-office, and seriously to injure the revenue itself."

Many of the officers of the Post-office, in giving their evidence before the committee, stated that it had been the opinion of several Postmasters-general, that there ought to be, and that there must be, a considerable reduction in the amount of postage; but, notwithstanding this opinion, the Post-office authorities were not prepared to recommend any course, or to state what the reduction ought to be. The fact that a reduction should be made was stated by them, yet they declined the responsibility of making any recommendation; but, at the same time, if reduction was to be adopted, they submitted a scale for the consideration of the committee, advancing from 2*d.* to 1*s.*, stating their opinion that such scale, if adopted, would reduce the revenue by about 800,000*l.* per annum. The report

of the committee induced the Legislature to pass the statute of 2*nd* and 3*rd* Vict. cap. 52, by which Mr. Hill's plan received a Parliamentary sanction, and authority was given to the Lords of the Treasury to carry that plan into effect, by such regulations as from time to time should appear to be expedient; subsequently to the passing of that statute, and with a view to the accomplishment of its objects, Mr. Rowland Hill, under the circumstances which he (Sir T. Wilde) would presently state to the House, was taken into the employ of the Treasury, and so continued up to September last. The motion which he should submit to the House, had arisen out of the circumstance of the removal, dismissal, or retirement—whichever it might be called, (though not voluntary on his part) of that gentleman, Mr. Rowland Hill. But, at the same time, if it should be supposed by any Gentleman that the importance of this motion was to be confined to the particular interests of Mr. Hill, he begged to dissent from that opinion. Mr. Hill, in suggesting his plan, did not look to any pecuniary reward; and he, therefore, had not been disappointed in not having received any. He (Sir Thomas Wilde) only mentioned the name of that Gentleman *now* so far as it was connected with the public service, and with an improvement in the management of the department of the Post-office. He begged, therefore, not to be misunderstood in that respect. Undoubtedly this motion arose out of the removal of that Gentleman, because that removal seemed to him very clearly to lead to one conclusion only, namely, that the public must give up all expectation of that plan being effectively carried out, which had received parliamentary sanction, and which promised so much benefit to the public. Speedily after the passing of the statute Mr. Rowland Hill had the honour of an application from the then Chancellor of the Exchequer, to know whether he were ready to render his services towards carrying out his plan. That led to a communication, in the course of which Mr. Rowland Hill expressed his most earnest wish that the plan should be carried out, and his willingness to assist in doing so; and upon the question arising with regard to the remuneration to be received by Mr. Hill, he stated that he was content that the question of salary should be postponed, or to serve the public without remuneration, but as he thought that in a situation subordinate, or conceived to be so, his services would not be efficient, he



therefore declined to accept a salary less in amount than that enjoyed by the secretary to the Post-office. The Government having no knowledge of Mr. Hill, except from his pamphlet, and the evidence he gave before the committee; but being at the same time desirous to ascertain how far it was likely the person who had suggested the plan was capable of carrying it out, it was at length agreed by the Treasury to engage Mr. Hill for the period of two years certain, at a salary of 1,500*l.* a year, upon the understanding that if the Treasury thought fit to dispense with his services at the end of that period, he should have no claim for a continuance beyond it. That proposition placed Mr. Hill in the only situation he was desirous of filling, that which gave him an opportunity of lending his best aid in carrying out his own plan. He continued to serve the late Government for two years, under that arrangement. During that time, acting under the Chancellor of the Exchequer, the conduct of the Post-office authorities from time to time came under his consideration. The evidence he received of the extreme inaccuracy of their official knowledge and of their want of accurate acquaintance with the details of the department with which they were connected confirmed the conviction he had when he published his pamphlet; for, extraordinary as it might appear, when the officials were examined before the committee of the House of Commons, to ascertain the merits of Mr. Hill's plan, they were uninformed almost on every fact material to forming a correct opinion upon the subject. They knew not the number of the letters that passed through the Post-office in a year, or the cost of transmission of a single letter; in fact, the committee obtained nothing like accurate information from them. One gentleman, very high in the department, being asked what would be the effect of the proposed reduction, stated in answer, that it would be a loss of 7*d.* to 8*d.* per letter. Assuming his answer to be sincere and according to the witness's belief, and not given under the influence of a morbid prejudice against suggestions coming from one who, was an alien to the Post-office, this answer evidenced the grossest want of information on the subject to which it referred on extreme inattention—the fact being, that upon the number of letters reported by the Post-office, the loss stated would amount to about 2,400,000*l.*, a sum exceeding the whole revenue of the Post-office. Other instances

of gross mistake might be stated. In the course of Mr. Hill's attendance at the Treasury, he brought to the attention of the Chancellor of the Exchequer various suggestions connected with his plan, and requested instruction whether he should present the entire details of his plan at once, or suggest the improvements from time to time in succession. In the absence of distinct instructions, Mr. Hill from time to time brought parts of his plan under the attention of the Chancellor of the Exchequer; but he could not fail to perceive that the same system of prejudice against alteration and opposition to improvement under which the public had so long suffered, and to which he had himself been exposed continued to exist in the Post-office establishment. The Post-office authorities had pronounced the plan to be visionary, ridiculous, and preposterous; and the reports of the committee will manifest that every possible expression of hostility had been used towards it. This opposition, however, has not been successful to the extent of preventing the reduction of postage to the uniform rate of 1*d.*, nor altogether to prevent the adoption of some other suggestions for improvement; but the greater part of Mr. Hill's plan and especially those connected with the extension of facilities of communication, and with economy of management, remained to be carried into effect. Shortly before the expiration of the two years of Mr. Hill's appointment there was a probability of a speedy change taking place in the Government, and the Chancellor of the Exchequer did not think fit to bind the successors of the then Government to any permanent arrangement with Mr. Hill; he therefore proposed that, after the two years, Mr. Hill's engagement should be extended one year more for certain, leaving it to the succeeding Government to act with Mr. Hill according to their will and judgment. The anticipated change of Government took place. Mr. Hill continued under the present Chancellor of the Exchequer for the remaining year, bringing under the right hon. Gentleman's notice various matters from time to time. At the end of the year still much remained to be done; but he might state with confidence, that as well under the Chancellor of the Exchequer by whom Mr. Hill was appointed, as under the present Chancellor of the Exchequer, no man could have conducted himself more properly, or shown himself more efficient for the duties he had engaged to

perform than did Mr. Rowland Hill. Whatever delay had taken place, had not been with him. He continued from time to time to urge on the attention of the Chancellor of the Exchequer, the various alterations necessary to give the public the benefit of his plan; but at the expiration of the third year, and before these suggestion were carried into effect, Mr. Hill received an intimation that his services would be no longer required. At this date the public had obtained possession of only one part of the plan—the uniform low rate of postage; but the improved management, increased facility, and the economy contemplated throughout by Mr. Hill, had not been obtained. This was no fault of Mr. Hill; he was dismissed, or his services were dispensed with, by the Chancellor of the Exchequer, and the act had been confirmed by the right hon. Baronet at the head of the Government. He would read to the House from the papers upon the Table a letter from the Chancellor of the Exchequer to Mr. Hill, dated the 11th of August, 1842—setting forth the grounds on which Mr. Hill's assistance was no longer required. It was as follows:—

*“Downing Street, August 11, 1842.*

“Dear Sir—I have had the honour of receiving your letter of the 29th ult., urging upon my re-consideration the decision which I communicated to you in my letter of the 11th ult. I have given my best attention to all that you have stated, but I still retain the opinion which I have before expressed, that it would not be expedient to retain your services for a longer period than that to which they are at present limited. I can assure you that, in coming to this conclusion, it is very far from my intention to imply that there has been, on your part, any neglect of the duties confided to you, or any deficiency of zeal or ability in the discharge of them. I readily acknowledge also the honourable motives which originally prompted, and which has now induced you to repeat your offer of gratuitous service; but I am influenced solely by the consideration that it is not advisable to give a character of permanence to an appointment which, originally created for a temporary purpose, has now, as it appears to me, fulfilled its object.

“The penny postage has been above two years established, and the principle of it is now thoroughly understood. So long as a post-office shall continue, so long will opportunities present themselves, of effecting important improvements, and the necessity arise of adapting the arrangements to the ever-changing circumstances of the time and country. But the retention of an independent officer for the purpose of conducting such improvements, would necessarily lead either to an entire supersession of

those who are, by their offices, responsible for the management of the department, or to a conflict of authorities, highly prejudicial to the public interests. Under these circumstances, I think it incumbent on me to decline the offer you have made of further service. But I will take care that your past services shall be duly acknowledged and recorded in a minute of the Treasury.

(Signed) “HENRY GOULBURN.

“R. Hill, Esq.”

In consequence of that letter, and without intending any disrespect to the Chancellor of the Exchequer, an application was made by Mr. Hill to the right hon. Baronet in the following letter:—

*“Bayswater, September 27, 1842.*

“Sir,—As First Lord of the Treasury, you are, I presume, aware that I am no longer in employment under that Board, and that the reason which has been given me for the discontinuance of my services is, that the time has arrived at which my further assistance may safely be dispensed with.

“After much consideration, I think it right to lay before you the following short statement, as the ground on which I respectfully, but most earnestly request the honour of an audience, with the view of submitting to you the propriety of reconsidering the determination of the Treasury, and of affording me the means, under the control of her Majesty's Government, for carrying into full effect the measure of Post-office improvement with which I have been so long connected.

“This measure has, from the first, been stated by me to consist of the following parts:

“1st. A uniform and low rate of postage according to weight.

“2d. Increased speed in the delivery of letters.

“3d. Greater facilities for their despatch.

“4th. Simplification in the operations of the Post-office, with the object of reducing the cost of the establishment to a minimum.

“The only portion of the plan which is as yet fully carried into effect is the institution of the penny rate.

“For increased speed of delivery, little or nothing has been done.

“A similar statement must be made as to the greater facilities for the despatch of letters:

“And with regard to the simplification of arrangements and consequent economy, though many important and successful changes have been made, yet little has been effected in proportion to the opportunities afforded by the adoption of uniformity of rate and pre-payment.

“I am prepared with ample proof that it is from no fault of mine that so little of my plan is in action; but I shall probably not have occasion to trouble you on this point, inasmuch as no blame has ever been imputed to me either on that or any other ground.

“I have prepared and laid before the proper



authorities many specific measures forming parts of my plan; together with proof of their practicability, in most instances without creating any charge on the revenue.

"Some of these have been rejected on grounds which, as far as they have been disclosed to me, are, I submit, insufficient; others still stand over for decision, and there is a further number absolutely necessary for the completion of my plan, which I have shortly indicated, but of which I have not been so fortunate as to obtain any notice whatever.

"In adverting to these difficulties under which I have laboured, I beg to assure you that I am perfectly aware how fully the time of every minister is occupied, and how much of the delay which has arisen must, in common justice, be attributed to that cause; but, at the same time, I trust it will be seen that I am bound to lay before you the fact, as a necessary part of the case to which your attention is prayed.

"I am further prepared to show, that long before the reduction of postage, the opinion which I expressed on all occasions was to the effect, that the maintenance of the Post-office revenue, even to the extent on which I calculated (about 1,300,000*l.* a-year) depended on carrying into effect the plan as a whole.

"I can also make it clear that the expectation which appears to have been formed, that the further progress in Post-office improvement may be left to the Post-office itself, is contrary to all past experience, and to the present measures in course of adoption by that establishment.

"And, lastly, that the questions to which I would respectfully call your attention regard hundreds of thousands of pounds in that department alone which respects economy of expenditure; an increase in net revenue, entirely independent of that augmentation in the number of letters which past results enable me safely to anticipate from those of my measures which have reference to increasing the utility of the Post-office to the public.

"Under these circumstances I beg to reiterate the offer which I made to the Chancellor of the Exchequer in July last. I am perfectly ready, without salary and without claim to future remuneration, to give my best aid in such form as it may please her Majesty's Government to accept it, to carry my plan into full operation, my only conditions being that power and opportunity be afforded me to make my exertions effective.

"In conclusion, permit me to state that I am fully prepared with irresistible evidence to prove every part of this statement, and I respectfully await the honour of your commands to attend you at any time, and any place, for the purpose of laying before you, in all such detail as your avocations will permit, the proofs upon which this statement is founded."

"I have, &c.,

(Signed) "ROWLAND HILL.

"To the Right Hon. Sir Robert Peel, Bart., &c."

To that letter, Mr. Hill received the following reply:—

*Drayton Manor, October 13, 1842.*

"Sir,—I beg leave to acknowledge the receipt of your letter, dated 27th September. It reached me the day after I had left London.

"Had I received it previously to my departure, I should have acceded to your request for a personal interview, though I consider the subject of your letter fitter for written than for verbal communication.

"Since I received it, I have referred to the letter which you addressed to the Chancellor of the Exchequer, on the 29th July last, and to the Minutes of the Board of Treasury, respecting your appointment, and have given to the subject generally the best consideration in my power. It had indeed, been brought under my notice by Mr. Goulburn, at the time that his letters of 11th July and 11th August were addressed to you.

"I am bound to state to you that I entirely concur in the opinion expressed by Mr. Goulburn, in that of 11th August, that the continued employment of an independent officer, for the purposes for which it is urged by you, would necessarily lead either to the entire supersession of those who are by their offices responsible for the management of the Post-office department, or to a conflict of authority highly prejudicial to the public service.

"I entertain a due sense of the motives by which your conduct in respect to Post-office arrangements has been actuated, and of the zeal and fidelity with which you have discharged the duties committed to you. I cannot doubt that there are still improvements in those arrangements to be effected, but I must presume that they can be effected through the intervention of the regularly constituted and the responsible authority, namely, the Postmaster-General, acting under the superintendence and control of the Board of Treasury.

I have, &c.,

(Signed) ROBERT PEEL."

"Rowland Hill, Esq."

He (Sir T. Wilde) had thought it right to read this correspondence to the House, in order that they might fully understand the alleged grounds on which Mr. Hill's services were dispensed with. The House was aware that the Post-office was under the control and direction of the Treasury, that the Treasury from time to time issued orders which were obeyed and acted upon at the Post-office. When Mr. Hill was appointed, it was on the distinct understanding, as stated by the then Chancellor of the Exchequer, that his communications should be made to the Treasury, and that he should not exercise any authority whatever with regard to the Post-office. That was, beyond all doubt, a most prudent regulation; because, from the temper and feeling which

had been manifested by the officers of the Post-office department, and after the judgment which they had pronounced upon Mr. Hill's plan, it was not likely that advantageous results would accrue from the exercise of authority over them by Mr. Hill, or from his being placed in frequent direct or personal communication with them. Mr. Hill, therefore, always communicated with his immediate superior, the Chancellor of the Exchequer, and all orders which were issued, and all communications which were made to the Post-office, were in the name and under the authority of the Treasury Board. The alleged ground for superseding Mr. Hill, viz., to avoid a conflict of authority between him and the Post-office, does not seem to rest on any substantial foundation, because the course of proceeding was such, that the only conflict of authority which could arise must be between the superiors, the Lords of the Treasury, and the subordinates, the Postmaster-General and those acting under him. As to the reasonableness of supposing that the suggested improvements could be effected through the medium of the Post-office officials, he would ask the House to judge how far such a presumption was consistent with former experience? It was stated in the Treasury minute containing Mr. Hill's dismissal, that the Lords of the Treasury

"Consider it due to him, on the termination of his engagement with the Government, to express to him the approbation with which they have regarded his zealous exertions in the execution of the duties which have been intrusted to him, and how materially the efficiency of the Post Office arrangements has been promoted by the care and intelligence evinced by him in the consideration of the various important questions which have been referred to him."

If Mr. Hill had been continued in his appointment, he would have been in precisely the same situation which he had occupied for three years, and no consequences could be anticipated from the retention of his services other than those which had resulted from his previous employment. Ample opportunity had been afforded during Mr. Hill's three years' services of judging what conflict of authority and what inconvenience might be expected to result from the continuance of his appointment. It was only proposed, or suggested, that Mr. Hill's services should be retained until he had an opportunity of bringing into operation those portions of

his plan which had not been carried into effect; or, at least, till they should be in such a state of forwardness that the public might have some security that a trial of their efficiency would ultimately be made. So far from Mr. Hill's appointment having produced any inconvenience to the public service, the Lords of the Treasury were pleased to report, in the minute which he (Sir T. Wilde) had read, that the efficiency of the Post-office arrangements had been materially promoted by the care and intelligence evinced by him in the consideration of the various important questions which had been referred to him. Then, if Mr. Hill's care and intelligence had produced increased efficiency in the Post-office establishment, why were the public to be deprived of the advantages they might obtain from the operation of those portions of his plan which remained unexecuted? Mr. Hill brought distinctly under the notice of the Treasury the heads of the various suggestions which he proposed, in order to the full accomplishment of his plans. He did not think it necessary to occupy the time of the House by reading this document, but hon. Members would find it in pages 8 and 9 of the papers which had been laid upon the Table. Mr. Hill suggested the adoption of measures affording increased facilities for Post-office distribution, and increased security to the correspondence; of measures of economy, and some miscellaneous arrangements. Another of the alleged grounds of Mr. Hill's dismissal was, that the penny postage plan had been two years in operation, and that the principle was thoroughly understood; but he (Sir T. Wilde) would ask, what part of Mr. Hill's plan could be considered as having been fairly established? The public had derived the convenience and advantage of the reduction of postage to an uniform rate of 1*d.*; but the other advantages suggested had not been obtained,—the increased facility in the delivery of letters, and the proposed economical arrangements. In what condition, then, were the public left? They had a diminished revenue; but those portions of Mr. Hill's plan, which he had always put forth as essential to its efficiency, relating to economical arrangements, and which would have tended materially to make up the defalcation in the revenue, had not been brought into operation. He would put it to the House, then, had the public been fairly dealt with? The uniform rate of penny postage was suggested by a gentleman who, from first to last, disclaimed the



idea of presenting this proposal as the entire of his plan; but who suggested it in conjunction with measures for facilitating the Post-office distribution, and for effecting economical arrangements. That portion of the plan, however, which entailed a loss to the public revenue had alone been adopted: but the suggestions relating to more economical arrangements had not been carried into effect; and now the individual who had brought forward these improvements was dismissed from the office to which he had been appointed, on the ground that the system of penny postage was fully established, and that the principle was thoroughly understood. True, the postage had been reduced to an uniform rate of 1*d.*; but was that all that had been recommended by the committee? Was that the only measure Parliament intended to be carried into effect when they passed the Act for the reduction of the postage? By no means. A committee had, with great care, presented a report containing many suggestions on this subject; but Parliament was desirous that the alteration should be made with safety and convenience to the public, and they left it to the Lords of the Treasury to carry out, according to their discretion, some of the suggested improvements. The result was that no advance had yet been made towards the adoption of those facilities of distribution and economical measures which had been suggested. So long ago as 1841 a minute was issued by the Treasury to the Post-office officials relative to the establishment of post-offices in various rural districts. There were 400 districts in which there was a registration of births, marriages, and deaths, and each containing on the average 4,000 inhabitants, which were entirely destitute of post-offices; and in some districts there was not a post-office within a distance of 15 miles. This subject having been taken into consideration in 1841, a Treasury minute was issued, ordering the establishment of a post-office in each district; but in the papers presented to the House during the present year he found this note, signed by the Secretary to the Post-office:—

“No definitive arrangements have yet been made by the Post Office in conformity with the minutes of the Lords of the Treasury dated the 13th and 27th days of August, 1841, relating to the Post Office distribution in the rural districts of the United Kingdom.”

It seemed, therefore, that no better answer could be returned in 1843 to the Treasury minute of 1841, on a matter re-

lating to the convenience of a large portion of her Majesty's subjects—the inhabitants of these districts to which he had referred—than that no definite arrangements had yet been made. It could not be doubted, that if there had been any just reason for this delay, it would have been stated in justification of the negligence which had been exhibited. Yet these were the officials who it was assumed would carry into effect the arrangements to which he had referred as as having been suggested by Mr. Hill. Any expression of surprise at the removal of Mr. Hill would argue a very imperfect knowledge of human nature; and he (Sir T. Wilde) was not surprised at it. They must remember that the permanent officers of every establishment were those who possessed the most influence in matters of this nature. The Postmaster-General was in office for a longer or a shorter time, and he must derive much of his knowledge relative to the affairs of the establishment from the permanent officers. Any one who had perused the evidence given by officers of the Post-office before the committee, and who had observed the spirit by which that evidence was marked, could not be surprised that an active, intelligent person, devoting his whole time to matters connected with the Post-office, at the Treasury, should be regarded with aversion; but unless the Lords of the Treasury were assisted by some competent person who could inquire into the affairs of the Post-office, the representations made by the subordinates of that establishment might differ widely from the real facts of the case. During the period of Mr. Hill's appointment some extraordinary blunders were detected. In one instance, in checking the payments for the conveyance of the mails by certain railway companies, it appeared, that payments had been made for greater distances than the mails had really been conveyed. This was brought to the notice of the Lords of the Treasury, who desired an explanation from the Post-office. The explanation sent back was that it was all right; and he believed that a similar answer was returned to a subsequent request for explanation. On an inquiry being instituted it was found, however, that it was all wrong, and that a payment of about 400*l.* a year had been made above the amount which was properly due. He thought this case evinced most inexcusable negligence on the part of some of the Post-office officials. In another case, it being considered that the charge for the convey-

ance of the mail was excessive, inquiry was made, and it was found that the maximum weight of the mail was 80 lb., about equal to the luggage of one passenger, while the space paid for was equal to that occupied by sixteen passengers. Further—an application was made to the Treasury, recommended by the heads of the Post-office, for an increase of salary to some of the officers, which was asked for on the ground that they had lost certain perquisites. An inquiry was made by Mr. Hill, and it appeared that the applicants had proposed to compare their salaries with those which they received in the year 1837. In searching the records of the office, a return of the salaries for 1837 was found, and it differed totally from the statement which had been made by the applicants. The Lords of the Treasury remonstrated with the Post-office authorities on the subject; and it was stated that there had been a mistake,—that the statements made by the applicants as to the salaries received in 1837 were decidedly incorrect, and the application was withdrawn. The authorities to which the public was to be left to obtain improved management, had given another proof which he would state of their competency to that duty. Two Post-masters in Ireland had asserted, that the new arrangements respecting money orders had so much increased their trouble, that they each required an allowance for a clerk; this demand also came through the Post-office, vouched by the proper officers, and at the instance of Mr. Hill, a return was required of the number of money orders paid, and issued, when it turned out that they were in one office two and in the other three a day. The application was of course negatived, and he (Sir T. Wilde) noticed these few instances, which he would venture to say, might be multiplied until the House was weary of listening to them, as the basis for asserting that the acute inquiries of Mr. Hill had caused a saving of public money more than the whole fee simple of his salary. [Sir Robert Inglis: When did these instances occur?] They had all happened since the passing of the Post-office improvements Act; they were all recent, and had come under Mr. Hill's notice while he was at the Treasury. His object was to show how much the Treasury was dependant on the Post-office, and how impossible it was for the Treasury to effect these improvements in the system, without the aid of a man like Mr. Hill, who exclusively de-

voted himself to the subject, and kept up the attention of the Lords of the Treasury to the perpetual blunders of the Post-office. Another instance which relates to the Postmaster-general (Lord Lowther), and which perhaps may be considered as a fair specimen of Post-office improvement, refers to an alleged saving of 40*l.* a-year. The Postmaster-general had made a return that he had effected a saving of 40*l.* a year in connection with the Glasgow and Ayr railway; and the following was the nature of that saving: The railway company had formerly provided a guard at a charge of 40*l.* a year; the Post-office thought fit to appoint a guard of their own, at a salary of 100*l.* a year; and therefore it was returned that a saving of 40*l.* a year had been effected by the discontinuance of the guard who had been provided by the railway company. The date of this transaction was 1842. These are the sort of details for which the Treasury must be dependant upon the Post-office, and which while they passed under the review of Mr. Hill, acting in aid of the Treasury, incurred detection and correction; but which must necessarily mislead the Treasury in the absence of any such officer. These oversights in management, these errors, in fact, and these blunders in calculation, which are brought down to the present time, show, that the former opinion of the present Post-master-general as expressed before the commissioners in 1836, continues to be applicable in all respects to the department, and the morbid spirit of opposition to improvement continues to be equally consistent. Under such circumstances it is not surprising although it is a great evil, that at this moment there are no means of ascertaining the true result upon the revenue, of the experiment which has been made. Various amounts have been in a vague manner stated as the revenue derived from the Post-office, and sometimes it is alleged, that no revenue was yielded, and it has been alleged that the public sustained an actual loss; but all was left in uncertainty, and strange as it might seem, notwithstanding the great importance of accounts being so kept since the adoption of the reduced postage, that the Government and the Parliament might obtain accurate information in regard to the pecuniary result of so great a change; yet the Post-office were evidently unable to furnish an accurate account of scarcely any one kind of receipt or expenditure. There appears to be an entire absence of any intelligible system of accounts, and it would be



seen that some items were so arranged as to be calculated to confuse and mislead in the greatest degree—to one of which he would refer: For some years the payment for mail packets had been made by the Admiralty, and they were put upon a footing of a peculiar description, no doubt one of great wisdom and prudence. Steam navigation was, of course, but imperfectly understood until a short time ago, and it was highly desirable, that there should be experience of its advantages before it was generally adopted in the navy; it might also be convenient that this country, in a certain event, should be in possession of a considerable steam marine, and on these accounts a steam marine packet service had been established at a great expence, infinitely beyond what was required for Post-office purposes. This expense was incurred by the Admiralty, and in a return made to the House of Lords by the Post-office, of the increase derived from the Post-office, under the present system, no charge was made for these packets, and the net income was stated to be 600,000*l.* a year; but, as if to create a prejudice against Mr. Hill's plan, and lead to the conclusion, that by means of the adoption of the reduced rate of postage, a much greater loss had been sustained to the revenue, than had been anticipated, the hon. Gentleman, the Secretary to the Treasury, moved for a return, including the expenses of the Post-office, the maintenance of packets on Home and Foreign stations. In compliance with this motion, a return was made by the Post-office, charging no less than 612,000*l.* in respect of these packets, as against the Post-office receipts. Why this return was to include a disbursement not made by the Post-office, in fact not incurred for Post-office purposes, and which the Post-office left to its own discretion, would not have thought it right to include in their accounts, the Government, under whose authority, and for whose views it was directed, can best explain; but until explained, it is difficult to reject the conclusion, that the object was to reduce the apparent revenue of the Post-office under the new system, there being no pretence whatever for inserting this item. This return, however, which affects to shew the present state of the revenue is not only erroneous in respect to this item; but I have the authority of Mr. Hill for saying it contains other errors and fallacies to a great extent in amount, and no one who has attended to that Gentleman's examin-

ations and statements, can hesitate to give him credit for great caution and equal accuracy. In fact it will be found, that his statements throughout, even when he was without the means of access to official documents were infinitely more exact and correct than the statements of those who filled situations, which must be supposed to have given them the fullest means of ascertaining the correctness of the facts and calculations to which they spoke. In this return, with a view to lessen the apparent receipts, no allowance was made for the many letters that exceeded the half-ounce, but all were charged at only 1*d.* each; thus the minimum was taken as the average, because it happened to suit the purpose of the parties to represent the revenue as small as possible. This was the mode in which Mr. Hill accounted for the alleged small amount of revenue, and that gentleman was prepared to establish, that the framers of the accounts were mistaken to the extent of some hundreds of thousand pounds—that they had in fact—transferred a large portion of the inland to the foreign and colonial revenue, augmenting the latter at the expense of the former; that the return, in short, was full of the grossest errors; all, however tending to one end—namely to depreciate the inland or penny-post revenue, an object which the Post-office however neglectful it might be in other matters appeared at all times steadily to have kept in view. The importance of these charges against the accuracy of the Parliamentary Return must be obvious to the House. Parliament is compelled to legislate in the confidence of the truth and accuracy of the returns from the different departments of Government, and the most serious evils may result from such returns being unfounded and inaccurate. And these alleged errors, and the indisputable importance of Parliament and the public knowing the true result of the recent experiment upon the revenue, of itself, furnishes irresistible ground for inquiry by a committee of this House, such as it is the object of the present motion to induce the House to appoint. Looking at the schedule of improvements remaining unadopted, and enumerated by Mr. Hill in his letter to the Chancellor of the Exchequer, and advertising to the present state of the country, and above all to the alleged fallaciousness of the return to which he had so often alluded, he would ask whether right hon. Gentlemen opposite were instructed to contradict the statements? If so, let a

committee be appointed to ascertain which party was in the right. No doubt the House would hear to-night what the right hon. Gentleman opposite believed to be correct, but they were misinformed, and the worthlessness of mere official denials was proverbial. Why was the public to be left in a state of uncertainty, when the facts could be sifted by a committee? The committee ought to be appointed, if only for the satisfaction of the public out of doors, all of whom were deeply interested in the result. The branch of service to which he referred, was not only connected with national prosperity, but with the domestic comfort of every class of the community. Between April and September 1842, Mr. Hill, as he (Sir Thomas Wilde) was informed, had submitted distinct detailed reports showing specific savings to the amount in the aggregate of about 100,000*l.* per annum, all of which might be effected without any injury, and many with great benefit to the service, and had suggested various others to a much greater amount. The country, therefore, had been told by a Gentleman, whose merits had been tried and were admitted, that the revenue of the Post-office might be greatly increased without any additional cost, and the same Gentleman undertook to give the very items of improvement in management which would produce an enormous saving; would the country, then, be satisfied by leaving the matter to that department the head of which had declared that it never would introduce a beneficial change without being compelled. He (Sir T. Wilde) had stated that he would not introduce Mr. Hill's name, excepting in connection with the public service; but he must say, that the dismissal of that gentleman was an abandonment of his whole plan, as regarded facility and economy; the dismissal of Mr. Hill was the knell of the plan; and, although it might be very complimentary on the part of the Lords of the Treasury to assume that the authorities of the Post-office would hereafter carry it into effect, yet that they would do so in fact was contrary to all experience. Without the aid of Mr. Burke's description, every body was aware of the supineness of public departments, and the delays and difficulties constantly interposed to all great improvements. Mr. Hill had suggested the registration of letters as security to the public; for unfortunately the miscarriages, both of letters containing property and others, were very frequent. To lessen this loss

Mr. Hill had proposed a system of registration, and he had ascertained that three pence would be an abundant remuneration for the purpose; but in order to make the matter quite certain, he had proposed to begin at sixpence. The Post-office, however, had established it at a shilling. The object was to increase the public security at a reasonable cost, but the result had been that a tax had been imposed on the community which would completely countervail the advantage of the change. If threepence would be sufficient, why was the public to be taxed to the extent of a shilling? An individual who had zealously faithfully, and intelligently served the public for three years in this department, pledged himself to show that the charge of a shilling was at least twice as much as ought to be paid. The House would perceive that the motion for a committee was not to be answered by a statement respecting the condition of the revenue; the condition of the revenue was the main ground on which he rested his motion, and the gentleman at whose suggestion the first part of the plan was adopted, pledged himself to prove that the whole plan, if followed out, would indemnify the public for the defalcation of the receipts in the Post-office by the reduction in the rate of postage. To carry Mr. Hill's entire plan, or so much of it as might be expedient, into full effect, giving to the public on the one hand, the advantage of a reduced and uniform rate of postage, and on the other, an increased revenue by improved economical arrangements, and extended facilities of communication, many important new arrangements must be made, and which would require to be very cautiously examined, and deliberately to secure this success. To expect that the Post-office would seek to contradict and falsify their predictions and condemnation of the plan by exercising great diligence in carrying it into effect, would be absurd and inconsistent with all human experience. The time and attention necessary for the purpose, must demand the exclusive exertion of some superintending authority. The Lords of the Treasury, however they might control and approve what should be previously prepared for their judgment, it was impossible that they could render the requisite service to the public. He maintained that the Lords of the Treasury had important duties attaching to them which utterly precluded them from being able to do justice to the public as far as the



Post-office was concerned, giving them credit for the greatest diligence and care. The right hon. Gentleman at the head of the Government and the Chancellor of the Exchequer had quite enough on their hands without attending to Post-office details. Taking into consideration, therefore, these statements as to the numerous cases in which great savings might be made—on the other hand, taking into consideration the utter absence of all evidence on the part of the Post-office of a desire to carry these improvements into effect—and the uncertainty of the result of the present system on the revenue, he thought a clear case was made out for inquiry. The only person responsible for the success of the plan and the only one who appeared competent and desirous to carry it out in such a manner as to secure the interests of the public, had been removed upon alleged grounds wholly insufficient to account for, or justify the step; and if the execution of the plan was to be left to the Post-office, the public would have made a great sacrifice of revenue without having any reasonable prospect of obtaining a very large portion of the benefit upon the reformation of obtaining which that sacrifice had been made. The public had a just demand to know the real extent of the sacrifice which had been made, and how much of the benefit had been obtained or could reasonably be procured, which the original projector, in whose fidelity and judgment it had confidence, had assured them was attainable. He asked, therefore, in the language of his notice,

“That a select committee be appointed to inquire into the progress which had been made in carrying into effect the recommendations of Mr. Rowland Hill for Post-office improvement.”

He wished to do this in order that the public might have an opportunity of comparing Mr. Hill's suggestions with what had actually been done; and it would be found that improvement after improvement suggested by Mr. Hill met with resistance. A petition was presented, he believed, to the House—at all events, a statement was made, that improvement was desirable in connexion with Newcastle. Many facts were to be ascertained; and the Lords of the Treasury sanctioned Mr. Hill's going down to Newcastle in order to make the necessary inquiries. Mr. Hill was about to start; but on the following morning came a remonstrance from the Post-office, and he was superseded; and such was the nature of

the interference by the Post-office, the extent of which he wished to ascertain; and also, whether the progress of the plan had been unnecessarily arrested, or, at all events, not carried so far as the public had a right to expect. Further, it ought to be known what recommendations beneficial to the country remained to be carried into effect. There were no means by which the House could become possessed of correct information, except by a committee. He had thought of asking for a commission, but it was said by Lord Lowther, and (he Sir T. Wilde) believed it to be correct, that the Post-office would be too strong for a commission—although possibly a committee of that House fairly appointed might be found strong enough effectually to prosecute the desired inquiry. This was a matter in which the public were interested, in relation to their trade, commercial prosperity, and domestic happiness; and he could not think that the time of the committee would be ill spent in ascertaining the progress made in such a measure. He trusted, therefore, that the House would not refuse him a select committee,

“To inquire into the progress which had been made in carrying into effect the recommendations of Mr. Rowland Hill for Post-office improvement; and whether the further carrying into effect of such recommendations or any of them, will be beneficial to the country.”

The *Chancellor of the Exchequer* said, although the argument which the hon. and learned Gentleman had made use of against those who conducted the Post-office did not apply exclusively to the management of his noble Friend the present Post Master-general, but extended equally over an antecedent period, with which neither he (the Chancellor of the Exchequer) nor his noble Friend had any concern, yet, as it was his fate to be placed in that office, which had the control and direction of the departments of the revenue, he considered it his duty to rise to answer the attacks which the hon. Member had so liberally made, not only against the Treasury, but against every officer employed in that department, making no distinction in the case of individuals, whose length of service at least might have entitled them to respect, and who had a right to claim credit for the sincerity of the motives by which they were actuated. Throughout the hon. and learned Gentleman's speech, he seemed to think that there was but one individual who was solicitous for

the public interest and convenience, and that that individual was Mr. Hill. With respect to that gentleman he would act in the observations he was about to make, as he had always acted in his communications with him, without the slightest feeling of animosity. He must confess he thought it a little hard to those who filled the higher offices of the State, who were obliged to resort to the assistance of those placed under them, that confidential communications made in the discharge of public duties, should be brought forward by those individuals for the purpose of making accusations against that department in which they had been employed. Mistakes must inevitably occur in all public offices. He feared that if his conduct were subjected to a severe and rigid scrutiny it would be found that scarcely a day passed without the occurrence of some circumstance which he would have wished otherwise, and which might be construed into a breach of duty. But nothing should induce him to say one word that could hurt the feelings of Mr. Hill, or of the hon. Gentleman who had that night supported his case. The hon. Gentleman had divided his speech into three several parts, and if the House would grant him their attention, he would follow the hon. Gentleman in the order in which he brought the questions forward. The first part of the hon. Gentleman's speech related to the personal treatment which Mr. Hill had experienced from the Treasury. The hon. Gentleman complained that Mr. Hill had not been maintained as a permanent officer of the Treasury, and said that it would be very inconvenient for the Treasury to be without some permanent officer to superintend the details, and to administer the duties of the Post-office. If the hon. Gentleman meant anything, he necessarily meant that Mr. Hill was not merely to be employed to superintend the plan he had suggested, but that he was indispensably necessary as an adjunct to the Treasury to enable the present and future boards of Treasury to conduct the business of a department, which, he said, without that constant control and supervision, it would be vain to hope they could even attempt to perform. The hon. Gentleman, he presumed, had correctly stated what had passed between the Treasury and Mr. Hill, at the time when he first entered upon the public service. With that he had no concern. The papers on the Table gave, he believed, a perfectly

fair account of the whole transaction. It was well known to the House that Mr. Hill made himself remarkable in the year 1837, by publishing a pamphlet on the subject of Post-office Reform, the basis of that publication, (and that was strictly called Mr. Hill's plan) being the substitution of a uniform penny postage, which had no reference to distance, in lieu of a graduated postage of a greater amount. The hon. Gentleman, indeed, said, that this formed only a small part of Mr. Hill's plan; but when he was addressing the House of Commons, and appealing to them to make some inquiry on this subject, it was important that he should advert to the opinion of the House of Commons on Mr. Hill's plan, (particularly with respect to the permanent office to which he was to be appointed) rather than to the view which Mr. Hill himself now seemed inclined to take of it. The report of the committee appointed to inquire into the subject, state the heads of Mr. Hill's plan as follows. That all letters not exceeding  $\frac{1}{2}$ oz. in weight should be charged, whatever might be the distance, 1*d.*; that letters exceeding  $\frac{1}{2}$ oz., and not exceeding 1oz., should be charged 2*d.*; and so on for each  $\frac{1}{2}$ oz.; that the postage should be paid in advance; that to facilitate this, postage stamps should be sold at all the post-offices; and the report added that Mr. Hill had recommended, also, the establishment of day-mails on the great lines of communication, to provide for the more frequent delivery of letters. Parliament subsequently adopted that plan so detailed by the committee, and communications passed between the Government of the day and Mr. Hill himself as to his employment to superintend it, and as to the salary which he should receive. Originally a sum of 500*l.* a year was offered and declined; the offer was then raised to 800*l.*, and declined; and ultimately, a salary of 1,500 was fixed, and the nature of the contract was recorded in a Treasury minute. By that he was appointed to carry into effect the 1*d.* postage; it did not say that he was to carry out any enlarged plan of improvement, not in this year or the next, but so long as the Post-office should exist; and so far from considering, as the hon. Gentleman supposed, that the Treasury could not conduct the establishment so as to exercise an efficient and general control over it, the minute specifically stated, that



"Mr. R. Hill shall be attached to the Treasury, and that the employment shall be for two years certain, at a salary of 1,500*l.* per annum; that the employment shall be considered as temporary, and not to give a claim to continued employment in office at the expiration of two years."

Those two years expired shortly after the right hon. Gentleman quitted office, and upon his (the Chancellor of the Exchequer) coming into office, Mr. Hill brought to him a letter from the right hon. Gentleman (Mr. Baring), which he stated was written expressly to communicate the right hon. Gentleman's views, and although he had not had the opportunity of before acknowledging it in public, he in fairness and candour to the right hon. Gentleman, must not suffer this opportunity to pass without thanking him for having not only upon this point, but upon others, left to his successors in office a statement of what, in his views, was necessary for the public service. He had availed himself of those suggestions on more than one occasion, and if he had misunderstood the views of the right hon. Gentleman with respect to Mr. Hill, he could assure the right hon. Gentleman that the misunderstanding was *bonâ fide*. He believed it was the intention of the right hon. Gentleman to continue the employment of Mr. Hill for one year from that time. In that letter the right hon. Gentleman said,—

"As it may be satisfactory to you to have in writing the position in which I consider you at present to stand, I propose to put on paper my views, in order that you may use it for the information of my successor. I wish, therefore, to state, that some time ago I informed you in reference to the Post-office business, that I thought it would be of great advantage to continue your services beyond the two years originally settled; that I did not deem it expedient to make any engagement beyond one year, but that you might consider that for one year from the expiration of the former two years your services were engaged on the same condition as before."

This left on his mind the impression that the right hon. Gentleman considered Mr. Hill's views had been carried to such an extent in the two years, that it was probable that only for one year more Mr. Hill's services would be required. On coming to the Treasury, he (the Chancellor of the Exchequer) lost no time in intimating to Mr. Hill, that whatever engagement his predecessor had made, he should feel bound to adhere to. Mr. Hill thereupon entered upon the discharge of

his duties, having, as had been the practice, the whole of the Post-office business coming to the Treasury submitted to him: whether it were connected with the penny postage or not, it was equally submitted to him, as a matter of course, and he had the ordinary routine of Treasury business as connected with that department entirely in his hands. He had not been long in the situation he now held, before he observed, that the practice of referring to Mr. Hill everything, indiscriminately kept the officers of the Treasury in entire and necessary ignorance of all transactions connected with the Post-office; and seeing that Mr. Hill's employment was for a limited period, and that the time must come when the Treasury must resume the Post-office business. He took an early opportunity of intimating to his hon. Friend the Secretary to the Treasury (Sir George Clerk) that he expected him to deal with the Post-office business as he would any other business, taking Mr. Hill into consultation on such parts as he might think necessary; and he did this for the reason, that unless some one in the Treasury should know what was done, and make himself master of Post-office details, the Treasury would not be able, whenever Mr. Hill's engagement terminated, to control, as it ought to do, this subordinate department. This arrangement had given dissatisfaction to Mr. Hill at the time; he could assure the hon. and learned Gentleman, however, that it was adopted from no want of confidence in Mr. Hill, but for the sake of efficiency in this department of the public service. He would not go over the circumstances which had led to the retirement of Mr. Hill at the expiration of the three years. The Government did not consider his services longer necessary. The hon. Gentleman had read the letters at length; there was nothing in them disrespectful to Mr. Hill individually, nor anything of which he (the Chancellor of the Exchequer) as a public officer, had the least reason to be ashamed. He did lay down the principle, which he thought was just, that there should be no intervening authority between the Treasury having the control, and the department to be controlled; and however desirable he might think Mr. Hill's superintendence of the new arrangements, it was impossible to make a permanent addition to the Treasury for Mr. Hill. If this were done with the Post-office, would not similar appointments be

necessary with respect to the Customs, the Excise, the Stamps, and the Taxes, to assist the Chancellor of the Exchequer in the discharge of his duties with respect to them? It would be necessary for him to have a separate secretary to superintend each department, but he did not think this a good arrangement. It would tend to deprive the Chancellor of the Exchequer of that active and direct control over the different departments of the public service, which was one of his first duties. So far with respect to that part of the subject which affected Mr. Hill personally. He came now to the part which related to the public service as connected with the Post-office. The hon. Gentleman stated that the Government had shown no disposition to make improvements in the Post-office; that the Government was entirely controlled by some officers who were permanent in the department; and the right hon. Gentleman then applied his principle, which if good for the Post-office would be good for every department, the appointment of another permanent officer to control the existing permanent officers. What was the principle adopted in other offices in this country? That in every public office there was a responsible officer who retained office permanently, but who did not therefore control those under whom he acted. There was a permanent Under Secretary of State of the Treasury and of the Admiralty, and permanent commissioners of the Customs and Excise, the permanency of whose employment was beneficial to the public service; but they acted under the control of those having superior authority, and if errors were committed, the superior officers were more or less responsible. When, therefore, the hon. and learned Gentleman advanced that the Government were not able to check mistakes and blunders in any department, it was nothing more nor less than an attack upon those on whom the superintendence of that department fell, and the charges must be that the Government did not perform its duties. He trusted, however, he should be able to show, that in the department of the Post-office, neither his hon. Friend nor himself were justly liable to these charges. The hon. Gentleman said, that all attempts to add to the facilities of communication had been abandoned, that no attention had been paid to economy, that the Post-office had allowed the penny postage to take effect, but that beyond the establishment of

the penny postage, they had done nothing. In confirmation of this statement the hon. and learned Gentleman said, "Look at the case of the rural post." If the hon. and learned Gentleman had been in the House the other evening, or if he had informed himself of what had taken place, he would have known what he (the Chancellor of the Exchequer), had stated with respect to the rural posts. He would now repeat it. His predecessor, previous to leaving office, made a minute with respect to rural posts, and recommended their adoption throughout the country. Upon his acceptance of office, he directed a map to be completed, showing the precise limit in England of every registrar's district, in order to see how the recommendations of Mr. Hill and of the late Chancellor of the Exchequer could be carried into effect. He had used his best endeavours to have the map completed. The registrar's districts, although known in the country, were not usually marked on any maps, and some time elapsed before he could procure the definition of limits which was required. Having at length, however, obtained this information, the next question was the probable expense. He found that the expense of giving effect to the proposed arrangement to the full extent recommended, would amount to the sum of 70,000*l.*, and that there were many districts which, if accommodated with a post-office, would have such a limited amount of correspondence, that, whilst a large expense would be incurred, corresponding advantages would not be gained. He had, therefore, called upon the Post-office to point out the places where, in their judgment, the experiment could be tried. Undoubtedly, there was a discussion between himself and the Post-office authorities, as to the mode in which this selection of places should be made—and if the hon. Gentleman, instead of referring to the return he had quoted so triumphantly, to show that nothing had been done in this matter by the Post-office, had waited for a few days, he would have seen a very different return, and have found that much had been done. The plan adopted had been founded on the principle of giving the desired accommodation wherever the number of letters received in a week were sufficient to require it; he had provided that when 100 letters were received in a week, if a rural post were asked for, it should be given. This gave security, first, that the application would



be from places only where the Post-office was really required; and next, that when it was established, there would not be very great expense. That was the rule he had laid down; it might not be approved by the hon. Gentleman or by Mr. Hill, but at all events the Government would be saved from the imputation of leaving the extension of rural posts unattempted. The next question to which the hon. Gentleman referred, was the want of accommodation to the public, and complained that a hourly delivery of letters in the metropolis had not long since been adopted. He knew that Mr. Hill went uniformly on the supposition that, if they gave an hourly delivery, the increase of letters written would be sufficient to supply the increased expense, but he doubted the universality of Mr. Hill's principle. Experience did not prove it, for although the correspondence increased to a certain degree with increased facilities, yet there were many instances which showed that the increase of expense went beyond the advantages gained. If the Treasury had erred in their decision, they had not failed for want of giving the subject full consideration. Mr. Hill proposed to combine the District and the General Post-office for the purposes of an hourly delivery of each. Now, there were 252 letter-carriers employed at the Post-office for the general delivery every morning, and there were 315 employed for the district post, making a body of 568 letter-deliverers. Mr. Hill made no calculation of human strength and power—he did not calculate that if a postman could make three or four rounds of his walk in a day, he might not be able to make six or seven. In order to have hourly deliveries, it would be necessary to triple the General Post deliverers, to employ 756 persons, instead of 568; and, consequently, there must be an increased expense. Moreover, if these carriers were entirely employed in delivering, they would be taken from all other work. Now, while the general postman started every morning at half-past eight, at that very time the district postmen were collecting the letters—some were afterwards engaged in making up the day mails; and in the evening they were employed in sorting the newspapers, no trifling matter; as hon. Gentlemen who had ever been at the Post-office might have satisfied themselves by ocular demonstration. But, beyond this, many persons doubted whether the delivery of letters

which came by the first mails at one time, and then having a second delivery for the later mails, and, in winter, possibly a third—many practical and disinterested men presumed to doubt whether this number of deliveries would be convenient to men of business. The hon. Gentleman next adverted to the question of the registration of letters, and in this he and his right hon. Friend were both implicated. Mr. Hill had originally proposed the registration of every letter at a fee of 6*d.*, and that for every letter carried to the Post-office for this purpose, a receipt should be given to the party taking it. It was perfectly true, that the transmission of money, in letters, through the Post-office, was open to, and was attended with great risk of loss to the person sending it, and he was not exaggerating when he said that the increase of offences relating to this was very great. The hon. Gentleman thought, that if the Government granted a registration, it would protect the public from loss, but the right hon. Gentleman (Mr. Baring) took a different and adopted a more advantageous mode of preventing this loss, which he (the Chancellor of the Exchequer) had followed up: by extending the system of money orders, a far better mode than registration, because it afforded no temptation to steal. There was nothing that could be disposed of without detection, and if the letter was never received, the Post-office had the means of affording redress to the parties. The House would, therefore, think that when a money order for 5*l.* could be obtained for 6*d.*, it was not wise to raise up a system in opposition to the money orders, and induce persons to send money by the post, inducing not only loss to the parties, but criminality in the Post-office servants. He thought, therefore, that the right hon. Gentleman had taken the wise course when he had favoured the money-order system, and had imposed a sort of fine on those who would send money in letters. The House were not aware of the immense extent of the money-order system. When it was originally introduced, the amount was between 200,000*l.* and 300,000*l.*, and now the sum during this year, if it continued at the same rate as it had been during the first three months, would be 8,000,000*l.* Was not this, then, an instance of the just anxiety shown by the Government to accommodate those who needed facilities from the Post-office, for safely transmitting money to their friends, and was it wise to induce a departure from this

safe system? With respect to the loss of money passing through the Post-office, it was supposed that no one but the Post-office servants were guilty; but this was an error. There were many losses before the letters reached the Post-office at all, for some of those who were entrusted with the letters to post were as dishonest as the Post-office servants. The Post-office, upon being asked, would give a receipt, but if the parties posting were dishonest, and previous to posting the letter, abstracted the money contained in it, there would be no security to the sender, whilst the Post-office would lie under the imputation that it was by its servants the money was extracted. Because it was not thought fit to adopt the registration system, and which, as he had shown the House could not be conveniently done with regard to the interests of the public, they were to be put down as enemies to Mr. Hill's plan, and that they did not wish to give that gentleman a fair trial, and they were to be characterized as opponents to improvements in the Post-office. He did not think that this was either a just or fair mode of dealing with the question. He conceived, that Gentlemen should look at both sides of the case, and hear the statements that could be made on one side as well as the other; and when they strongly urged the adoption of a plan, they should consider whether reasons might not exist to prevent it being adopted, independently of the supposed existence of a bigoted attachment to the old system of the Post-office. The hon. and learned Gentleman had charged him with furnishing fallacious returns, and had taken up one paper on the Table, and compared the results of it with those of another return moved for by Lord Monteaule. Now, any one who was in the habit of examining returns, must be aware that they were moved for by individual Members, who wished to have furnished to them information in a particular form, so as to promote any object they might have in view. If the hon. and learned Gentleman had looked into the matter, he would have seen that the returns, on the face of them, were essentially different. The object of Lord Monteaule's return was to obtain the amount of the actual balance accruing from comparing the actual receipts of the Post-office, and the payments made out of it directly; this showed a balance of 600,000*l.* Now, the return which he (the Chancellor of the Exchequer) had moved

for, was intended to show what was the gain, if any, for the conveyance of letters through the Post-office, after defraying all the charges attending it, including the charge for home and foreign packets. This occasioned the apparent discrepancy complained of by the hon. Gentleman. From the moment that Parliament had determined to adopt a change in the Post-office system, he (the Chancellor of the Exchequer), with his right hon. Friend at the head of the Government, were as anxious to give effect to the system of Mr. Hill for the establishment of a penny postage, as if he had been originally favourable to it. Whom did his right hon. Friend, on the formation of the present Government, select for the office of Postmaster-general? Why, a nobleman who, no doubt, now was abused by Mr. Hill, but respecting whom that person used very different language formerly. Was that nobleman a person who was bigotted to the old system, and who was likely to thwart Mr. Hill in his plan? Was that noble Lord a person likely to be imposed upon, with respect to the disadvantages of the plan, by persons at the Post-office? On the contrary, Lord Lowther, the nobleman who was selected for the office of Postmaster-general, was formerly described and praised by Mr. Hill as an enlightened man, who saw the advantages of the system. This appointment showed, therefore, that his right hon. Friend at the head of the Government, had no wish to impede the carrying out the plan. It was rather remarkable, that Lord Lowther was really the first person to suggest the adoption of a penny postage for a certain class of letters, and now Mr. Hill got the credit of being the originator of the system, which, however he professed to carry out on a more extended scale. In the management of a large department like the Post-office, there were many considerations which would prevent a change being too hastily adopted, even by those most anxious to carry out all practicable improvements. When Parliament first sanctioned the plan of a penny postage, he considered it determined not to derive revenue from the Post-office; it was thought that the advantages that would result to the trade and commerce of the country from the reduction of the postage of letters to a penny, would be so great that we might for a time consent to forego the revenue formerly received. Mr. Hill's calculations as to the amount of revenue that would be received under the plan



were certainly very different from this; but he did not believe, that this opinion prevailed to any great extent in that House, or that it at all operated on the decision of Parliament. He never understood, however, that Parliament never intended, under any circumstances, to derive any gain in the shape of revenue from the Post-office; or that it considered it a matter of indifference whether or no that department defrayed its own expenses: still less that it was prepared to sanction the throwing a great additional charge on the public, for the purpose of trying experiments as to alleged improvements in this department. He repeated that the Post-office did not now pay its own expenses. He need hardly say that there were very great expenses incidental to the conveyance of letters, and, above all, to a great distance, and that the charge for this had been materially increased by the employment of large steam vessels instead of sailing packets. He had now gone over, he believed, most of the points adverted to by the hon. Gentleman; and if he had not alluded to some minor facts mentioned by the hon. and learned Member, it was from the circumstance that in the administration of a great public department it was impossible to speak at the moment on all details that might have occurred during a series of years. The hon. and learned Member seemed to have adopted implicitly the suggestion of Mr. Hill, and apparently was inclined to treat any miscalculation that might have been made in the Post-office almost as a criminal matter. Now he (the Chancellor of the Exchequer) would venture to say, that if there was any individual whose calculations were contradicted by the results, Mr. Hill was that person. It appeared that previous to the adoption of the penny postage the number of letters that passed through the Post-office was about 80,000,000 per annum. Now, Mr. Hill repeatedly stated that if his plan were adopted the number of letters would at once increase five-fold; the return, however, of the number of letters for the year ending April, showed that it had increased to somewhere about 220,000,000 instead of 400,000,000, which it ought to have been according to Mr. Hill's calculation. Mr. Hill also stated that the loss to the revenue would be 500,000*l.*, it is 1,500,000*l.* He in his last pamphlet said that his calculation of receipts was made on the gross revenue, and that therefore he was not responsible for

any disappointment that had taken place. Mr. Hill had also said in his pamphlet that the adoption of his plan would increase the expenses of the post-office, about 300,000*l.* a year. The expenses of the post-office, when Mr. Hill began to bring his plan into effect, was about 600,000*l.*, and they were now about 900,000*l.*, and this increased expenditure they had been told was absolutely necessary to secure the accomplishment of the plan. When, therefore, Mr. Hill had said that the Treasury had prevented him from saving hundreds of thousands of pounds by refusing him the means of fully carrying out his plan, he must say that such a statement appeared to him as a matter of the grossest exaggeration. If he went into a statement of what had recently been done by the Post-office in the way of improvement, with the view of affording increased accommodation to the public, it would prove that they were not indifferent to the matter, but that they were perfectly ready to adopt, and had actually adopted improvements when it could be done without occasioning greater inconvenience. He held in his hand a list of 128 places, which were now served by day mails in addition to the usual night mails. Among some of the most important improvements that had recently taken place, he might enumerate the treaties which had been concluded to facilitate the postage of letters abroad. By the formation of these treaties the greatest facilities and advantages had resulted to the public, as regarded the conveyance of letters on the Continent. He did not know whether the hon. Gentleman had looked into this postage treaty between this country and France, but if he had he would see that that effected no immaterial improvement. The negotiations commenced when the right hon. Gentleman and his Friends were in office, but the terms which were then offered were not nearly so favourable as those he had been able to obtain. By the stipulations of this treaty the expense of postage for the conveyance of letters from London to all parts of France had been materially reduced, and he need hardly say, that this was a great advantage to the commerce of the country. There was also another advantage which France had given us by allowing the Post-office to send letters in sealed boxes across that country to the frontier of countries on the other side of France. He would venture to say, that there was not a single article in that

treaty, long as it was, which did not confer some advantage on the commerce of this country. This treaty, above all, had most beneficially diminished the expense of sending letters across France to our East-India possessions. He might add, that negotiations were now in progress with other countries for the purpose of making similar treaties. No doubt these treaties would be attended with some slight expense in the first instance, but there could be little doubt that commensurate advantages would follow. He should have before observed, that in 1838 there was only one day-mail out of London, and at the present moment he believed, that there was a day mail on every road out of the metropolis. No doubt some other of the propositions of Mr. Hill involved improvements, but they could not be made without entailing greater sacrifices than could now be afforded. He had no doubt that this statement would be confirmed by the right hon. Gentleman who would probably follow him, and who was so well able to give every explanation on the subject. With respect to the motion of the hon. and learned Gentleman, he should only say a few words in explanation of the course which he should take with respect to it. He objected to the motion of the hon. and learned Gentleman, on the ground that it was appointing a committee of the House of Commons to exercise the functions of the Government, by entering upon an investigation as to improvements that might be suggested, and should be adopted, in a public department like the Post-office. He knew that altered circumstances, of everyday occurrence, were continually arising in this country, which rendered the adoption of improvements necessary; but the appointment of this committee, to consider what improvements should or should not take place, would be nothing more nor less than transferring the whole management of the Post-office to a committee of the House of Commons. By doing so, they would materially impede the operations of that department, and they would take away the responsibility of controlling it from the Treasury. He had no objection to a limited inquiry into the manner in which the Post-office had given effect to the determination of Parliament with respect to penny postage, and he should be ashamed of himself if he did not court the strictest scrutiny into the part which he might have had in this proceeding.

He would only add, that he was sure that if the hon. Member had been aware of many of the circumstances which he had mentioned to the House, that he would have abstained from making many observations which had fallen from him. He should propose then as an amendment to the hon. and learned Member's motion, that a select committee be appointed to inquire into the measures adopted for the general introduction of the system of penny postage, and for the facilitating the conveyance of letters throughout the country.

Mr. F. T. Baring said, that as he understood the amendment, it would give every opportunity for a fair investigation, and for seeing whether the plan had been honestly carried into effect, and also to see whether any of the most important parts of it had been left out. After such an assurance of a full inquiry, he hoped that his hon. and learned Friend would not press his motion, but allow the amendment to be carried. With respect to the question itself, he would in the first place allude to the case of Mr. Rowland Hill, which was a separate matter from the other part of the case. As that gentleman had been so long connected with, and acting with him, in the department over which he formerly presided, he felt called upon to say something as to his opinion of Mr. Hill, and as to the treatment which he had experienced. As for any bargain that had been made, he perfectly agreed with the right hon. Gentleman that there was no bargain with Mr. Rowland Hill. The right hon. Gentleman had said that Mr. Rowland Hill had been employed—and he laid some stress on the phrase—to carry into effect the plan of the penny postage. The right hon. Gentleman referred to the Treasury minute under which Mr. Hill was appointed and seemed to rely upon the words “penny postage,” which he found in that minute. Now it was well known at the time of the adoption of the plan that it involved not merely the reduction of the rate of postage but other most extensive alterations. In the first instance, when the plan was attempted to be carried into effect, he had told Mr. Hill that he was not prepared to undertake all these changes immediately, but that, in the first instance, they would confine themselves to the system of the penny postage, and those matters immediately involved in it. That was only a part of the general plan, and,



after its adoption, it was well known that there still remained considerable additional labour to be got through. He thought the right hon. Gentleman placed too much stress on the circumstance that he only engaged Mr. Rowland Hill for a year. In doing this, however, he had never anticipated that that gentleman's services would not be required for more than a year; but as he knew that he was going out of office within a short time, he did not think that it would be courteous to his successor to appoint for a longer period than that. He had, however, been all along of opinion that the services of Mr. Hill at the Treasury would be required for a much longer period than one year. He also thought it was only common justice to say, that at the period when it was determined to carry out this plan, he had not the slightest personal knowledge of Mr. Rowland Hill. As for the intelligence and industry of that gentleman, of course he had sufficient evidence of this in the evidence which he had repeatedly given before committees of the House of Commons, and by his pamphlet. He must say that on becoming acquainted with Mr. Hill, he found him to possess other qualities which he did not expect to find in him. He had expected that a person who had been long engaged in the preparation of an extensive system of this kind, would not carry out the change with that coolness and judgment that was requisite, and he had expected that he should have great difficulties to contend with in inducing Mr. Hill to adopt any alteration in his plan that might appear requisite. He found quite the contrary of this, and that Mr. Hill, with the greatest readiness, adopted any suggestions that were made to him, so that instead of difficulties, he found every facility in carrying the plan into effect. True, Mr. Hill gave his reasons for the opinion that he had adopted, or for the course that he recommended; but if any of his suggestions were not adopted, he always found Mr. Hill most ready to give way to the course which he suggested. He felt bound to add, that although no absolute bargain had been broken with Mr. Rowland Hill, still he could not help expressing his sincere regret, that after three years' exertions, which were characterised by the utmost zeal and intelligence, that he should be allowed to retire from the public service in the way in which he had.

If the right hon. Gentleman found that he could not go on amicably with his Postmaster-General and Mr. Rowland Hill, he thought that to a party who had rendered such important public services, a vacancy might be found in some department in which the public might still possess the advantages of Mr. Hill's exertions. He felt it only justice to Mr. Hill to add that with respect to the observations which he had just made, he had had no communication with that gentleman. He repeated that although no bargain had been broken, but still if zeal, intelligence, and ability, and the rendering important public services entitled any one claim to consideration, Mr. Hill had a most powerful case. The right hon. Gentleman objected to what he was pleased to call subordinate officers working at the Treasury, with the view of controlling any public department; now he had been a long time at the Treasury, and he had found very great advantages result from having Mr. Rowland Hill in that office, and in letting all the papers connected with the Post-office go through his hands. The right hon. Gentleman had touched upon the miscalculations which he described Mr. Rowland Hill to have made as to the revenue to be derived from his plan. Admit that Mr. Rowland Hill had over estimated in these calculations, was it at all remarkable that a private gentleman, not in office, who had been long absorbed in an invention, should over-estimate the value of his scheme, or should such a fact be taken as a reason why this scheme should not be carried forward. Surely, the right hon. Gentleman must know, that with all the peculiar advantages which persons in office possessed, who had access to the best and fullest information, to the assistance of the ablest and most experienced officers, those persons sometimes made well nigh as many blunders in calculations as there were figures, yet were not held up any the more as incompetent to fill the situations they occupied. He would now come to the question of the Post-office itself. This was essentially a Post-office matter, for it was not the Treasury which actually managed these things, but the Post-office. He certainly could say that, for his own part, when in office, he had felt it impossible to do otherwise than to rely upon the Post-office in all the details connected with the subject, and he was bound to say that he had found the various offi-

cers there ever ready zealously to perform their duty, although they were throughout entirely hostile to Mr. Hill's plan. They were even more hostile to other parts of Mr. Hill's arrangements than they were to reduction of postage. They did their duty, however, when they received their instructions, conscientiously, zealously; but it was not like willing horses; and he certainly had the impression that, if left to themselves, Mr. Rowland Hill's plan would stand by no means so fair a chance, as if he himself superintended its execution, with the advantage of the Chancellor of the Exchequer's constant co-operation. One word as to the registration of money letters. He was quite ready to admit, that when he originated that registration in 1841, he placed it at a shilling, as a high fee, with a view to check the registration of letters; and he did so, because he had received a communication from the Post-office, explaining that, as matters then stood, any large increase of registered letters would endanger and impede the despatch of the mails. But though he had placed the fee so high at first, on this ground, and in order to see how the department would manage the registration, he had no idea of continuing it at so high a rate, when the thing should have got into better working order; and certainly as matters now stood, he was of opinion that the fee could be materially reduced, not only without any danger, but with great public advantage. The calculation which the right hon. Gentleman had made, as to the amount of money transmitted through the money-order office, was a most extraordinary one. The right hon. Gentleman stated the amount to be eight millions; whereas he should have said four millions; the right hon. Gentleman had made the slight mistake of doubling the amount, by calculating the money which was paid in, and adding to it the same money when paid out. According to the right hon. Gentleman's mode of calculating, to arrive at the quantity of water which passes through a pipe, you must add the water which enters at one end to the same water when it passes out at the other end, and the quantity so added together will give the result desired. As to the rural distribution, the right hon. Gentleman's explanation did not at all satisfy him that the present Government had not been very slow in carrying one of the most important recommendations advo-

cated by Mr. Hill into effect. He remembered very well that when he was in office, an hon. Gentleman, then in opposition, not so languid as they were now, he was teased to death by them about this very rural distribution, and no explanations he had to offer of difficulties which then obstructed the desirable arrangement were admitted. However, he was very happy to find that something was to be done, that the recommendations left by her Majesty's late Government to their successors, as to this part of the subject, was not to be without effect. He recognised, however, in the altered arrangements, the spirit, not of Mr. Hill, but of the Post-office. The principle contemplated by the late Government was, that no large population should be kept at a distance from the Post-office, a principle which he did not recognise, to anything like the proper extent, in the altered arrangement mentioned by the right hon. Gentleman. As the right hon. Gentleman, he was rejoiced to find, acquiesced in the appointment of a committee, he would only observe, in conclusion, that if ever there was a measure in reference to which the people had a right to ascertain whether it was carried into effect fully and fairly, it was this.

Mr. Wallace considered that no other man living had a just claim to the invention of the penny postage but Mr. Rowland Hill. As to the opposition that plan met with at the Post-office, it was not at the hands of the Postmaster-general—whether the Duke of Richmond, Lord Lichfield, or Lord Lowther—but at the hands of the subordinate officers, of Sir Francis Freeling, his successors, and the other subordinates. No man would have encountered the difficulties placed in his way by these persons so efficiently as Mr. Hill had. In his opinion no one Postmaster-general, however able, was competent to the various duties of the office. Lord Lowther had distinguished himself as a Post-office reformer, and was fitter than any man he knew for the office of Postmaster-general; but in his opinion the duties could only be performed with thorough efficiency by a commission.

Sir R. Peel felt, with his right hon. colleague, conscious that the Government had done every thing in their power to give a full and fair trial to Mr. Hill's plan. It would have been a great dereliction of public duty, if any doubt they might have entertained at a former period had led



them to take any other course upon acceding to office than the course they had taken with regard to Mr. Hill, that, namely, of facilitating his plan in every possible way. He had never felt a doubt as to the great social advantages of lowering the duty on letters; the only doubt was as to its financial effect: in all other respects the result of any inquiry would show that whatever might have been the loss to the revenue, much advantage had been derived in what concerned the encouragement of industry, and the promotion of communication between the humbler classes of the community. He had already, elsewhere, given his full testimony to the ability and disinterestedness of Mr. Hill, and he willingly repeated that testimony now. The right hon. Gentleman had used the expression "dismissed" in reference to the Government's having dispensed with the services of Mr. Hill. He did not think that a proper term to be used. He thought, as his right hon. Friend thought, that those who originated the penny postage always considered Mr. Hill's appointment a temporary one—that they considered that for a certain period, in the first instance two years, it was desirable that Mr. Hill should lend his assistance to the Treasury in carrying out his plan. They afterwards extended the two years to three? but he certainly always had the impression that at the end of the third year, by which time the plan would be satisfactorily in operation, it was their expressed intention, and intimation, that Mr. Hill's services were to be dispensed with. It was, therefore, no dissatisfaction with Mr. Hill's conduct, no indifference to his services, that led him and his right hon. Friend to take the course they had taken, they took the course which, as they clearly understood, had been contemplated by their predecessors in office, and which—a point of still greater importance—they considered most consistent with the public interest. He differed from the right hon. Gentleman opposite as to the course which ought to have been pursued. It appeared to him, that had it been deemed necessary to retain Mr. Hill's services, and had it been conceived that the Post-office authorities were hostile to the plan, prejudiced against its principle and its details, and indisposed to lend themselves with zeal and cordiality to carrying it out, the plan should have been, not to retain Mr. Hill in control over the

Post-office (yet unconnected with it), but to have at once made him Secretary of the Post-office. That department would thus have been no longer in a position continually to obstruct—as the complaint was—the due execution of the plan; but Mr. Hill himself, the person so deeply anxious for the success of the scheme, would have the immediate control of it. The other plan, of keeping Mr. Hill on from year to year, uncertain of the tenure of his office, was, in every point of view, most inconsistent with the public interest. It was due to the character of the Gentleman at the head of the Post-office, of the men whom the former Government had placed there on account of their knowledge and intelligence—it was due to the Secretary of the Post-office to say that it was not possible he could have thrown any obstruction in Mr. Hill's way, or that he had not cordially co-operated with him to ensure the success of his plan. Colonel Maberly, however, when he was examined, was bound to explain his opinion, and express any doubts he might entertain of the success of Mr. Hill's plan. But it was doing Colonel Maberly a great injustice to suppose, that any such circumstance could interfere with the strict performance of his public duty, or to believe, whatever might be the nature of his opinions, that he had not exerted himself to the utmost of his power to promote the success of Mr. Hill's plan, though he had before expressed doubts of its success. Colonel Maberly was a gentleman who had sat in that House, and during the time he was in Parliament had recommended himself to general esteem by his intelligence; and he certainly was not a man so imbued with departmental prejudices, that he should lend himself to any unworthy scheme, or fail to co-operate with Mr. Hill in order to ensure the success of his great experiment. Again, with respect to Lord Lowther, it was hardly necessary for him, after the testimony of the hon. Gentleman opposite (Mr. Wallace) whose political predilections rendered his judgment on this point unsuspected—after that hon. Gentleman's praise of the manner in which Lord Lowther executed the office of Postmaster-General he felt it was not necessary for him to say one word respecting the qualifications of Lord Lowther. He was bound to say, considering his position and the high situation which Lord Lowther

had filled, that he thought the noble Lord had made a great sacrifice in accepting the office. On his own appointment to office he knew no other person of great talents, great intelligence and great industry, who was so well calculated, if placed at the head of the Post-office, and to answer for the fair trial of the experiment, as Lord Lowther. He had therefore asked the noble Lord to accept the office; and he was sure that so far from that appointment being intended to be an obstruction to the success of Mr. Rowland Hill's plan, that nothing was more calculated to ensure its success, and that he could not do a greater service to Mr. Rowland Hill's scheme than to appoint Lord Lowther to the office of Postmaster-General. He differed from the hon. Gentleman opposite in thinking that the Postmaster-General of the intelligence and independence of mind of Lord Lowther, and who would not use the influence of his office improperly, was better to be at the head of the system than any number of commissioners. That Lord Lowther was ready to give his support to the system, he took all the assurance possible. He had examined the votes of Lord Lowther in the committee to inquire into Mr. Rowland Hill's plan, and he had found that the noble Lord had voted for all Mr. Warburton's resolutions. He voted for the resolution that there should be an uniform rate of postage, which embodied the great principles of Mr. Hill's system. Lord Lowther had approved of the adoption of the plan, and was a decided friend to Mr. Hill's system. With respect to the committee to which his right hon. Friend had assented, he thought the House was fairly entitled now to inquire, considering the time which had elapsed, into the working of the system. He should not enter into details, which had been fully explained by his right hon. Friend, the right hon. Gentleman opposite, and the hon. and learned Gentleman who introduced the motion. He hoped the committee would apply itself to the objects stated in the amendment of his right hon. Friend, and consider what had been adopted, and its effects, and not attempt to subject to the supervision of Parliament the whole of the business of the Post-office, which would only make the committee were it to do so fail in its inquiries. It was generally supposed that the arrangements of the Post-office were very simple, but in fact they were very

complicated, adapted to the varying circumstances of different parts of the country, and none but those who saw the whole could form a fair judgment of the system. If the committee should think of supervising the Treasury and the Post-office the public would derive no advantage from its labours. It was right that it should contemplate the general results of the new scheme, and inquire fully into its effects, both on the country and on the revenue, but it would not be right for the committee to supervise the public offices, which could only occupy the time of the committee with mere details, and lead to no satisfactory results. If the Treasury and the Post-office were to be subjected to the supervision of the committee, the public business would be paralysed. Separately then from inquiring into the departments of the Government with which the system had no concern, he thought that Government would not be justified in now refusing to allow a full inquiry into the progress and success of the great experiment. He considered it proper, as he had said before, to abstain from entering into details, but the House was entitled to know that a fair trial had been given to Mr. Hill's plan, and to ascertain the extent of its social advantages, and its effect on the revenue of the country. While such should be the course of the House of Commons, he would assure them that while he continued in office he would lend all his weight, influence, and authority, to ensure full justice to the new system.

Mr. Milner Gibson said, he would follow the recommendation of the right hon. Baronet, and as a committee was granted he would not enter upon the general question; but he thought himself entitled, before the discussion closed, to ask for some information from her Majesty's Government concerning certain Post-office arrangements affecting the borough of Manchester. He was aware that a Member ought to be reluctant to bring local matters of this kind, however important, before the House, the usual course being to memorialise the Treasury, and to refer the matter to the Post-office authorities; but in this case that course had been taken repeatedly, without procuring a redress of the grievances, or scarcely a definite answer. In September, 1842, a memorial was sent to the Postmaster-general from the town council of Manchester, complaining that the boxes for the reception



of letters for the London mail were closed at so early an hour as to be productive of much inconvenience, and stating that if the mails were transmitted by the Manchester and Birmingham Railway direct, instead of being sent, as now, round by Warrington, nearly an hour might be saved, and the boxes might be kept open for the reception of London letters to a later period of the evening. In October, 1842, a second memorial was sent to the Treasury, complaining that since September 1, 1842, the box for the reception of letters for Yorkshire and Hull was closed at the early hour of half-past five o'clock, although previous to that time, for a long period, the Yorkshire letters could be posted as late as half-past seven, and subsequently till half-past eight after the opening of the Manchester and Leeds Railway. Thus Manchester was deprived of a considerable advantage, namely, a period of three hours, in the posting of Yorkshire letters. This arose in consequence of the Yorkshire mails being transmitted by the Grand Junction Railway to Birmingham, back to Derby, thence to Leeds, a distance of 160 miles, instead of going direct across from Manchester to Leeds, a distance of only forty miles. He knew it might be contended that the Post-office found it more economical to send the letters two sides of a triangle, instead of one, as there might be conveyances already performing the two sides, of which use might be made without much expense, whereas the one side might require a special conveyance at a quarter of the expense. But in this case, the importance of a direct communication between the great trading community of Manchester, the manufacturing towns of Yorkshire, and the port of Hull, ought to be taken into consideration. Three-fourths of all the cotton yarn exported from England were shipped from Hull. Besides the two grievances he had mentioned, a third had arisen. The morning mail from Manchester to Hull had been taken off, thus leaving no direct communication between the important borough of Manchester and such a considerable port as Hull. The post from Hull to Manchester was as inconvenient as that from Manchester to Hull. The Hull letter-box closed at four o'clock. To explain the nature of this inconvenience he would read a passage from the *Manchester Guardian* of Saturday,

“The hour for closing the Hull post-office

is four o'clock in the afternoon, up to which time the steamers for Hamburg are necessarily loading, so that the shipping agents cannot possibly get their bills of lading and shipping advices made up in time for that day's post. The advices of many large and important shipments are consequently delayed until the following afternoon, and a merchant at Leeds or Manchester is not in a condition to effect an insurance until the third day. Before that time, however, the goods may be lost, and the loss known, in which case the merchant would be subjected to loss, in consequence of having been absolutely precluded by Post-office arrangements from adopting that protection of his property which prudent men consider indispensable.”

He begged to ask, therefore, as memorials had been sent both to the Treasury and the Post-office, and no redress obtained, after ample time for information, whether anything was to be done: First, with reference to the despatch of the London letters an hour earlier than was necessary in consequence of not using the Manchester and Birmingham Railway instead of the Grand Junction. An hour might seem a small gain, but it was important to a trading community, as extending the period during which mercantile correspondence at the close of the day could be carried on. Secondly, he would ask, as to the deprivation which Manchester had undergone of the direct Yorkshire mails, having a communication with Hull only once in twenty-four hours, the box closing at the early hour of half-past five at Manchester, and four at Hull, whether anything was done to remedy these evils so justly complained of?

Sir George Clerk admitted the existence of the grievance of which the people of Manchester complained. It arose, as there was no good without its corresponding evil, from the facility of travelling introduced by railways. The great powers possessed by railway companies, rendered it difficult for the Government to make satisfactory arrangements with them. In general the terms asked were so high, that a great loss would be incurred by the Post-office were those terms always agreed to as soon as demanded. The result of the negotiation, however, which was going on would soon be known, as he believed, that the Post-office and the railways were on the point of coming to an agreement. There were many necessary details to arrange but he hoped, that a direct communication would be speedily established, and that the inconvenience

complained of at Manchester would be altogether done away.

Mr. *Aglionby* agreed with hon. Members who had praised the exertions of Lord Lowther. There was no man who enjoyed more public confidence, or whose services were of greater benefit to the public. He was afraid, however, that even Lord Lowther might be occasionally overridden by the subordinates of his office, and the Post-office was not the only public department of which such suspicion was entertained. He would advert to another point. By the act for the registration of voters, and by the 100th section, it was enacted that notices of claims should be sent by the Post-office, and he had proposed a plan which had received the assent of the right hon. Gentleman, to ensure the delivery of such notices. But by the other House, in the 101st section of the act, the interpretation clause, words had been inserted applying to all notices sent by the Government, which had destroyed the effect of his clause. He regretted that the alterations made by the Lords had not been noticed in that House, and the consequence was, that this part of the act could not be carried into effect.

Mr. *Hume* thought the statement of Mr. Rowland Hill had not been so much exaggerated as it had been contended; because whilst every department of our revenue was found to be declining, the revenue derived from the Post-office had gone on increasing progressively during the last three half years. He felt that this ingenious Gentleman had not been assisted as he ought to have been by the officials in the office, though he wholly exonerated Lord Lowther, whose zeal and ability he had great satisfaction in acknowledging, so as to enable him to carry out as perfectly as he might have done the whole of a plan so calculated to confer almost incalculable advantages upon society at large.

Sir *T. Wilde* was satisfied with the amendment, and said Mr. Hill would be ready to defend every part of his plan.

Motion, as amended, agreed to.

SMOKE.] Mr. *Mackinnon* rose to move for a select committee to inquire into the means and the expediency of preventing the nuisance of smoke arising from fires or furnaces. He would not be guilty of the bad taste of occupying the House long on

the subject of smoke. The object of his motion was, that the different factories in large and populous towns should be made to consume their own smoke. Great injury had been done to the health and habits of the public by the deteriorated state of the atmosphere, caused by the great quantity of smoke that was emitted from different manufactories. Under some local acts there were provisions for compelling the factories to consume their own smoke, and he did not apprehend, therefore, that there could be any objection to a committee to inquire into the facts with a view to general Legislation.

Committee appointed.

INSANE NAVAL OFFICERS.] Captain *Pechell* moved, that the petitions of Mrs. Forbes, Mrs. Ricketts, and Mrs. Purchas, presented on the 20th of March and the 10th and 11th of April, be taken into consideration. He said the husbands of those ladies were officers in the navy who had become insane in consequence of the hard duties which circumstances had imposed upon them. Prior to 1819 they were inmates of an asylum at Hoxton, where they were supported free of expense; but in that year it was recommended that all officers so situated should be removed to Haslar Hospital, and they were accordingly removed. The result, however, of the change was most detrimental to the families of the officers so situated, for immediately upon their change of residence the half-pay of every officer so situated was reduced one-half for his maintenance. Their families had calculated upon a certain income, but, without the least previous notice, they lost one-half of it; for the reduction was not confined to pay alone, it was also extended to pensions. Those orders remained in force until 1831, when the injustice of them became so manifest, that Lord Grey's Board of Admiralty altered the system and reduced the charges for all officers who were so melancholily situated, to 1s. 6d. a day; the Admiralty then acknowledged that those unfortunate persons had been overcharged to the amount of 2s. 6d. a day. The families of those officers, upon such an acknowledgment, considered that they were entitled to receive the payment of the arrears. A letter was written by the Admiralty, acknowledging the justice of the claims, but unfortunately the Victualling and the Navy Board were allowed to interfere, and



that most just letter was cancelled, only nine days after it had first gladdened the hearts of those interested. The reason given for so doing was, that if one claim were allowed it would open ninety others. Now, the returns for which he had moved showed that the claims which could be made did not amount to one half of ninety; besides, that was a most unjust ground for a refusal. He believed if the Admiralty would institute an investigation into these cases, they would not refuse to do justice to the parties. A prejudice, however, was entertained against these applicants; some of whom had been urging their complaints upon the attention of the Board since 1821, and he hoped, therefore, that the House would consent to the appointment of a select committee, to institute an inquiry.

Captain *Gordon* thought the hon. and gallant Member had failed to show any just reason which could induce the House to alter the opinion which it had formerly expressed on this subject. In the case of Lieutenant *Forbes* there was no proof that his insanity had been contracted while in the public service. Indeed, the contrary was the fact. Lieutenant *Forbes* served in the navy till 1815, when he quitted the service. In 1822 he obtained permission from the Admiralty to enter the merchant service, and for some time he commanded a merchant vessel. Having some dispute with the owners he relinquished the command and went to South America, where he endured great hardships, which it was stated produced the loss of his sight, and ultimately becoming insane, he was admitted into Haslar Hospital. Previously to 1831, one moiety of the half-pay of officers confined in that asylum was appropriated to their maintenance; but in that year the Board of Admiralty adopted a regulation that only 1s. 6d. a day should be deducted from the pay for this purpose. He thought this was a very moderate sum, especially when the expenses of maintaining the establishment were considered. In the case of Lieutenant *Purchas*, a pension had actually been granted to his wife; and he thought, therefore, in this instance there was still less ground for complaint. He felt it his duty on a consideration of all the circumstances, to oppose the motion of the hon. and gallant Member.

Mr. *B. Wood* had in his possession medical certificates which would prove that the insanity of Lieutenant *Forbes* resulted

from his exertions while in the naval service

Mr. *Hume* thought the Government ought not to have deprived these ladies of a pittance of 1s. 6d. a day. If this had been a question as to the pension of a nobleman or any person possessing extensive influence, the cry of "vested interests" would at once have been raised. He recommended the Government to redress the grievances of which the petitioners complained

Mr. *Corry* said, that since 1831 a deduction of only 1s. 6d. a day had been made for the maintenance of the officers whose cases had been referred to. An expense of from 9l. to 10l. a-year was entailed on the public for the maintenance of each of these officers. He should vote against this motion.

Sir *C. Napier* said, the last time this question was brought forward hon. Gentlemen acted with great indecency, for they left the House and it was counted out. He did not think that the Lords of the Admiralty had any right to doubt the correctness of the medical certificates. The Lords of the Admiralty had consented at one time to pay these arrears, and subsequently declined. Let the records of the Admiralty be examined, and he would venture to say that it would be found that a different course had been adopted when the claims of parties of power and influence were to be considered. It was, in fact, well known that a distinguished officer of rank and influence had these arrears paid to him. He never heard any Lord of the Admiralty come forward and confess that he had committed an error. He made no distinctions. All Lords of the Admiralty were alike. They all refused to admit that they had been in error. What, he would ask, was the use of the House of Commons, if they did not inquire into abuses? and what good was her Majesty's Opposition if they did not find fault? He should support the motion of his hon. and gallant Friend.

Sir *J. Graham* said, when he was connected with the Board of Admiralty, in 1832, the practice was this, with respect to lunatic officers, one-half of their half-pay was retained to defray the expenses of their maintenance during their confinement in the hospital, and the other half was made over to their families. That was the rule at present in operation with respect to the army. When he was a

member of the Board of Admiralty, the question arose as to the real amount of cost incurred in the treatment of officers confined in Haslar Hospital—whether it amounted to half of the half-pay? It was found that it did not, and in consequence of that the charge was reduced for the maintenance of the officer from half of his half-pay to 1s. 6d. per diem, allowing his family to receive the difference. In consequence of that decision, the navy was placed in a more favourable position than the army. If he understood the case of Mrs. Forbes, it was this:—the husband of Mrs. Forbes went into Haslar Hospital in 1826, where he remained till 1832, during which period, agreeably to the rules of the service, half of his half-pay had been deducted. Mrs. Forbes now demanded, that 1s. 6d. *per diem* being deducted for his maintenance, the remainder of the half of his half-pay should be paid over to her. He did not consider that that claim was an equitable one. [Sir C. Napier: Do you remember the petition of Mrs. Bevan?] He admitted that that case was similar to Mrs. Forbes's. It was proposed to accede to the request in that particular case, but upon consideration it was found that much inconvenience would result, and the idea was abandoned. Taking into consideration the whole of the particulars of the case which the hon. and gallant Member had brought under the notice of the House, he did not think that the House ought to consent to the committee, and he therefore should oppose the motion.

Captain Pechell, in reply, remarked, that what the petitioners complained of, was, the breach of faith on the part of the Admiralty. The Board had raised expectations only to dash them down, and the misery it had thereby entailed was more than he could describe. He contended, that the committee ought to be granted, if only to remove the doubts which some hon. Gentlemen appeared to entertain as to the genuineness of the medical certificates; but, at the same time, he expressed his readiness to withdraw his motion, if the Lords of the Admiralty would only hold out a hope of relief.

The House divided:—Ayes 47; Noes 96:—Majority 49.

#### *List of the AYES.*

Aglionby, H. A.	Borthwick, P.
Aldam, W.	Bowring, Dr.
Barnard, E. G.	Brotherton, J.

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Christopher, R. A.	Murphy, F. S.
Clements, Visct.	O'Connell, M. J.
Dalrymple, Capt.	Plumbridge, Capt.
Denison, W. J.	Ponsonby, hon. C. F.
Duncan, G.	A. C.
Dundas, D.	Scholefield, J.
Ellis, W.	Seale, Sir J. H.
Esmonde, Sir T.	Sibthorp, Col.
Ferrand, W. B.	Smith, J. A.
Filmer, Sir E.	Stuart, Lord J.
Gill, T.	Tancred, H. W.
Hatton, Capt. V.	Thornley, T.
Hervey, Lord A.	Trelawney, J. S.
Hindley, C.	Wallace, R.
Holland, R.	Wawn, J. T.
Howard, hon. J. K.	Williams, W.
Hughes, W. B.	Wood, B.
Hume, J.	Worsley, Lord
James, W.	
Langton, W. G.	TELLERS.
Mitcalfe, H.	Pechell, Capt.
Morris, D.	Napier, Sir C.

#### *List of the NOES.*

Acton, Col.	Gladstone, Capt.
Adderley, C. B.	Goulburn, rt. hon. H.
Alford, Visct.	Graham, rt. hn. Sir J.
Allix, J. P.	Greene, T.
Antrobus, E.	Grimsditch, T.
Astell, W.	Grimston, Visct.
Baird, W.	Hampden, R.
Baskerville, T. B. M.	Hardinge, rt. hn. Sir H.
Béckett, W.	Henley, J. W.
Blackburne, J. I.	Hodgson, R.
Boldero, H. G.	Hope, G. W.
Boyd, J.	Hussey, T.
Bramston, T. W.	Jermyn, Earl
Broadley, H.	Jervis, J.
Bruce, Lord E.	Jolliffe, Sir W. G. H.
Buller, Sir J. Y.	Knatchbull, rt. hn. Sir E.
Cardwell, E.	Knight, H. G.
Clerk, Sir G.	Lennox, Lord A.
Colville, C. R.	Lincoln, Earl of
Copeland, Mr. Ald.	Lockhart, W.
Courtenay, Lord	Lowther, J. H.
Cripps, W.	Mackenzie, T.
Damer, hon. Col.	McGeachy, F. A.
Darby, G.	Martin, C. W.
Dickinson, F. H.	Masterman, J.
Douglas, Sir C. E.	Meynell, Capt.
Drummond, H. H.	Mildmay, H. St. J.
Du Pre, C. G.	Morgan, O.
Egerton, W. T.	Mundy, E. M.
Eliot, Lord	Neeld, J.
Escott, B.	O'Brien, A. S.
Estcourt, T. G. B.	Patten, J. W.
Farnham, E. B.	Peel, rt. hon. Sir R.
Fellowes, E.	Peel, J.
Fitzmaurice, hon. W.	Pollock, Sir F.
Flower, Sir J.	Pringle, A.
Forbes, W.	Rashleigh, W.
Forman, T. S.	Richards, R.
Fremantle, Sir T.	Rose, rt. hn. Sir G.
Fuller, A. E.	Seymour, Sir H. B.
Gaskell, J. Milnes	Smith, A.
Gladstone, rt. hn. W. E.	Smith, rt. hn. T. B. C.



Somerset, Lord G.  
Stanley, Lord  
Sturt, H. C.  
Sutton, hon. H. M.  
Talbot, C. R. M.  
Tennent, J. E.  
Thesiger, F.  
Thompson, Ald.

Verner, Col.  
Wellesley, Lord C.  
Wodehouse, E.  
Young, J.  
  
TELLERS.  
Gordon, Capt.  
Corry, rt. hn. H. T. L.

PAYMENT OF MINISTERS (IRELAND).]  
Mr. *Murphy* rose to move,

“That this House will, on Monday next, resolve itself into a committee of the whole House, to take into consideration an act passed 17 and 18 Car. 2nd, c. 7, entitled, ‘An Act for provision of Ministers in cities and corporate towns, and making the church of St. Andrew’s, in the suburbs of the city of Dublin, presentative for ever,’ with a view to the repeal of so much thereof, as relates to the payment of ministers in corporate towns in Ireland, and to provide a substitute in lieu thereof.”

The grievance of which he complained was one which pressed very heavily on the poorer classes of people in Ireland. According to a return made in the year 1836, the amount of the impost was no more than 11,400*l.*, and he could not think that there would be any difficulty in finding a substitute for this impost, provided Government would consent to take the matter into their consideration. He could assure the Government, that they would do much to create a good feeling in Ireland, if they would consent to the House going into committee, with a view to modify the present law, and to inquire whether some substitute could not be found for the impost so much complained of.

Lord *Eliot* thought that the hon. and learned Gentleman must have brought forward the subject at that late period of the Session rather with the view of calling the attention of the Government to it, than with the expectation of carrying through any legislative measure. He could assure the hon. and learned Gentleman, that when the subject was brought forward last year, it struck him that it was a grievance for which it was desirable, if possible, to find a remedy. He could not at that hour be expected to go into the subject, but the attention of the Government should be directed to the matter, and he was not without a hope that some remedy would be provided.

Motion withdrawn.

House adjourned at a quarter past twelve.

## HOUSE OF LORDS, Thursday, June 29, 1843.

MINUTES.] BILLS. *Public*.—2<sup>a</sup>. Limitation of Actions Act (Ireland); Sugar Duties.

*Committed*.—Church Endowment.

3<sup>a</sup>. and passed :—Roman Catholic Oaths (Ireland).

*Private*.—1<sup>a</sup>. Monkland and Kirkinilloch Railway; Inchbelly (Glasgow) Roads; Deptford Poor and Improvement.

2<sup>a</sup>. Neath Harbour; Bardney Drainage.

*Reported*.—Borrowstownness Harbour; Hull Water Works; Maryport and Carlisle Railway.

PETITIONS PRESENTED. By Lord Braybrooke, from Tilehurst, against the Canada Corn Bill. — By Lord Redesdale, from Bolton-le-Moors, and other places, against the Charitable Loan Offices.

CHURCH OF SCOTLAND BENEFICES BILL.] The Earl of *Aberdeen* on moving that the Order of the Day for the resumption of the committee on the Church of Scotland Benefices Bill be postponed said, he was anxious to advert for a moment to a complaint which his noble and learned Friend opposite had made the other day, in consequence of the bill having been proceeded with on Monday evening, notwithstanding a request from him that it should be postponed. When his noble Friend made that request, having postponed the consideration of the measure two or three times, and wishing they should make some progress with it, he crossed over to the other side to speak to his noble Friend on the subject, and he certainly left his noble Friend with the impression that he was indifferent about its being proceeded with on that evening, and that he would take another opportunity of delivering his sentiments upon it. Undoubtedly he must have been mistaken in that; but leaving his noble and learned Friend with that firm conviction, of course it was out of the question that any intentional disrespect or discourtesy could have been intended by him towards his noble Friend in going on with the measure. He also wished to advert to the other point which his noble and learned Friend made with respect to his not being in his place on the day following. The House would recollect when the noble and learned Lord moved the adjournment on Monday night, which he did not oppose, he proposed that the House should meet on the following day for the purpose of considering this very bill, and he was met by the assurance that it would be generally inconvenient to the House, he gave way in consequence and

he fixed it for the present day. He wished also to say, that if his noble and learned Friend had given him the slightest intimation that he would have been present on Tuesday, he (the Earl of Aberdeen) would certainly have been in his place; he begged to move that the committee be adjourned to Monday.

Lord *Brougham* wished to say, that his noble Friend need have taken no trouble to assure the House and himself of what he was perfectly well aware of, that the proceeding with the bill could not possibly have arisen from any personal discourtesy towards him on his noble Friend's part. It was evidently a misunderstanding. He left the House on the evening in question with the impression that the bill was to be put off.

Motion agreed to. Committee postponed.

Their Lordships then adjourned.

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## HOUSE OF COMMONS,

*Thursday, June 29, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Public Works (Ireland); Grand Jury Presentments Ireland, (No. 2); Charitable Loan Societies (Ireland); Hackney and Stage Carriages; Norfolk Island.

2<sup>o</sup>. Bridges (Ireland).

*Reported.*—Pound Breach and Rescue; Scientific Societies. *Private.*—1<sup>o</sup>. Dowager Countess of Waldegrave's Estate.

2<sup>o</sup>. Spalding and Deeping Roads.

*Reported.*—Londonderry Bridge.

3<sup>o</sup>. and passed:—Ross and Cromarty Jurisdiction; Deptford Poor and Improvement; Monkland and Kirkintilloch Railway.

PETITIONS PRESENTED. From Trowbridge, for Remission of the Punishment of Cooper and other Chartists.—From the Lincoln Mechanics' Institute, in favour of the Scientific Societies Bill.—From Strabane, against the Irish Poor-law.—From a number of places, against the Factories Bill; and from Devonport, in favour of the same.—From the New Zealand Society, against introducing Convicts into that Colony.—From Tottenham Court Road, in favour of Home Colonization.

ARMS (IRELAND) BILL.] On the Order of the day for going into committee on the Arms (Ireland) Bill being read,

Mr. *Hume* called the attention of the House to a return which had just been laid upon the Table, showing the comparative state of crime in England, Ireland, and Scotland, from which he found that the facts did not tally with the statements made by the noble Lord on introducing this bill, and that, while in England and Scotland, during the last two years, offences against the person had increased, they had decreased in Ireland.

House in Committee.

On clause 7, appeal against refusal of licences,

Mr. *Wyse* moved to omit the words requiring the parties pending the appeal to deposit their arms with some authority.

Lord *Eliot* opposed the amendment, it was very unlikely that the magistrates would refuse a licence, except to persons notoriously unworthy of being entrusted with arms.

The Committee divided on the question that the words proposed to be left out stand part of the clause; Ayes 127; Noes 67: Majority 60.

Clause passed.

On clause 8, "arms to be marked."

Some discussion took place as to whether the word in this clause should be "branded" or "marked," the former word having been originally proposed, in the course of which Viscount Clements strongly denounced the bill and the clause, and some amendments were made in the clause. On the question that the clause as amended stand part of the bill,

Lord *John Russell* rose to move the omission of the clause altogether. He considered it alike unjust, unnecessary, and impolitic. No sufficient reason whatever had been assigned for the introduction of this new provision. It was unnecessary, and therefore unjust; and impolitic in the highest degree. At the present moment, when so much ferment prevailed in Ireland, where there was so strong a feeling expressed there as to the conduct of the Imperial Parliament towards Ireland, it was essential to take no restrictive steps which were not absolutely necessary. If ever there had been a time at which it was desirable for the British Government to husband their power, to economize the means of authority, and to refrain from vexatious acts not absolutely required for the service of the State, that time was the present. Yet this was the period at which her Majesty's Government brought forward a provision, full of additional offence, and attended with very little, if any, additional security; which conveyed an insult and a stigma, deeply felt and resented by the people of Ireland; while, as a means of giving to the authorities in that country any more effective control, it was weak and valueless. He had never witnessed an attempt towards improved efficiency which manifested so little practical wisdom. The noble Lord relied in his defence of the new provisions



in this bill, this one more especially, upon the opinions of certain magistrates and constabulary, who said the new restrictions were necessary. So he said it—without disrespect, and merely for the sake of illustration—might Gentlemen's gamekeepers give their opinion, and their conscientious opinion, that for the due suppression of poaching it was essential that they should have the power of entering any man's house, and searching for snares, guns, nets, dogs, and other materials made use of in the illicit pursuit of game; and so, in other matters, might persons connected with particular subjects, point out ways, which, if Parliament were disposed to set aside the principles of the Constitution, and to disregard the old established liberties of the subject, might, perhaps, add facilities to executive Government; but the Constitution and the liberties of the subject were not so to be set aside. This provision was one of those which Government might deem unimportant, but which would give, in point of fact, greater offence than more serious enactments. Of all the cruel and oppressive proceedings of William the Conqueror, none gave greater offence to the people of England than the institution of the curfew, a regulation which partook more of the character of annoyance than of any thing else. He might draw another illustration from the time of his own Administration, during which, few things excited so much anger and discontent among a large class of the community as the regulation which required the names painted on farmers' carts to cover two inches, instead of one, as formerly. This would seem to be no very tyrannical or outrageous proposition, yet it excited such a storm of indignation, such a deluge of representations and remonstrances from the farmers throughout the country, that the Government thought it desirable to repeal the regulation in the next Session. It was perfectly clear to him that the very deepest offence would be given to the people of Ireland by obliging them to take their guns to be branded. Nor would the branding provision be at all effective for the purpose; for how very easy would it be to imitate the mark. And, again, how very easy would it be for those who went about the country for lawless purposes, and who were about to perpetrate a murder, to steal some branded gun from the house of an honest and peaceable man,

and, having used it for the perpetration of the deed, leave it on the spot. How much nearer would be the discovery of the murderer from the discovery of the marked weapon with which the murder had been committed? The true policy of the present, as of any other Administration was to govern Ireland, not by terror, but by affection. The true policy of the Government as to the Arms Bill, so far from increasing its severity, would be to continue it but for a year at a time, to modify it more and more, and as soon as possible to remove it from the statute book altogether. The opposite course pursued by the Government would only have the effect of provoking fresh hostility, still greater indignation in the minds of the Irish people against the measure and those who framed and supported it; and so far from adding to our security in Ireland, would render it more and more difficult to retain the necessary authority there. If it were deemed necessary, to send large bodies of additional troops into Ireland, at least let it not be done with an ostentatious display which rather tended to create alarm among the peaceable than to lessen the danger in quarters whence danger was apprehended; and in their legislation let them not thus unnecessarily add severity and galling weight to measures already sufficiently stringent; but let them rely upon the great power of the Constitution, which duly administered, would not fail to effect every just and proper object. If, on the contrary, they insisted upon a provision like this, which gave them no new security, and their only object in which, therefore, would appear to the Irish people to be insult and annoyance, depend upon it, those who would derive the greatest advantage from this ill-advised course would be the chief enemies of the Government in Ireland, and those who maintained that the Imperial Parliament denied justice and impartiality to Ireland. For these reasons, he should propose that the clause be omitted.

Lord Eliot had always thought that the restriction on the common-law right of the subject to carry arms was only to be justified by necessity, and so far he and the noble Lord agreed. The only question he had to discuss with the noble Lord was, whether the new clauses and provisions which the Government had introduced were or were not likely to make this bill more efficient. The noble Lord had said

that the evidence of the stipendiary magistrates and the officers of constabulary was not to be relied upon in such cases as these, or brought forward as the grounds of such a measure. Now he admitted that the opinions of such persons on this main question were not entitled to great weight. He thought that, the Government ought to make up their minds as to whether such a measure was necessary, and having so made up their minds, to bring it forward on their own responsibility. At the same time, he thought that when it was admitted that an Arms Bill was necessary, great weight, as to its details, ought to be attached to the opinion of those who were personally acquainted with its operation. On the original introduction of this measure he had alluded to the opinions of gentlemen holding important official stations in Ireland, and he had also alluded to the opinions given by gentlemen filling the situation of stipendiary magistrates in Ireland and to the evidence which they had given before a committee of the House of Lords, in 1839, and all those gentlemen concurred in thinking that it was necessary that some additional and more stringent measures should be adopted to prevent the possession of arms by improper persons. It was not necessary that he should on this occasion go through the returns of crime to which he had adverted on a former occasion. Already, he had almost wearied the House by reading those returns, and if the hon. Member for Montrose would compare the returns he had read with those on the Table of the House, he would find that they were fundamentally the same. The noble Lord had said, that it was quite useless to introduce a provision of this kind, but he (Lord Eliot) was of a different opinion, considering the general feeling that prevailed in Ireland amongst all parties, that some more efficient regulation than at present existed was necessary. There was no doubt that there was at present in Ireland a feeling of insecurity with respect to life and property, which rendered it necessary that some measure should be taken to restrict the possession of arms by the lawless and the desperate. He thought that it had been most clearly shown by the stipendiary magistrates and the officers of the constabulary, that they had not at present those means to enable them to detect the perpetrators of crime which it was essential that they should possess. The noble Lord had

indulged in some declamation on the disgrace and stigma that would be inflicted on the Irish people by this clause. Now, if that was the case, it was a stigma which those Irish Gentlemen who sat on that (the Ministerial) side of the House submitted to without a murmur, and it was not to be supposed that they were not as high-minded and as sensitive as hon. Members at the other side of the House. The noble Lord had said that marked arms might be stolen, and that the tracing of the owner of such arms was not a step towards the identification of the perpetrator of a crime committed with such arms. On a former occasion the hon. Member for Bath had made use of a similar argument. Now as he understood, when a crime was committed and the arms were found, the first step was to ascertain the ownership of the arms, and it would rest on the party to whom the ownership was traced to account for the arms being found in the hands of other parties. He had already stated that the bill had been prepared last Session, and that, owing to the state of public business, the Government had not been able to bring it forward. The measure was thought necessary to maintain peace and security in Ireland, and to protect the peaceable and inoffensive inhabitants, and looking at the present state of that country, he found nothing in its present condition which should induce the House to relax any measure calculated to prevent the possession of arms by improper persons. Therefore, though this bill had not been introduced with reference to the present state of Ireland, he saw nothing in subsequent occurrences which furnished any ground for the relaxation of those provisions which were thought necessary to make it effectual for its purpose. He hoped that the House would concur in maintaining this clause, for it would be impossible to check the possession of arms by improper persons without some means of identifying the arms and ascertaining the ownership.

Lord Clements objected to a police officer being considered an authority on constitutional matters. The only constitutional authority of the noble Lord was no other than Mr. Warburton, a police officer. He thought the constitution of his country was invaded by the bill, which went to establish an inquisition. The Pains and Penalties Bill was another of the acts which placed an additional sum of money in the hands of the Government,



The noble Lord (Lord Elliot) had for his object—he avowed it now—to check the use of fire-arms in Ireland. That was the confession of the noble Lord; and that was the object of the constabulary officers whose advice the noble Lord was following. He admitted that M'Gregor was a good officer, but he was no better authority on this subject than that of the noble Lord the Secretary of Ireland himself, and all his statements were made from hearsay. Colonel Miller's report, too, was all founded on suppositions: that officer said, :—

“Yet for the last seven years, that is, since a central constabulary office has been established in Dublin, the reports of all serious outrages throughout Ireland have generally passed through my hands. In furnishing these reports, it is the duty of the district officer to ascertain and set forth in his statement of each case, in addition to other particulars, the supposed motive which induced the perpetration of the offence; so that the perusal of such details for a term of years, while calculated to afford to any attentive reader much insight into the character, temper, and habits of the rural population of the country, could not fail, at the same time, to enable him to form tolerably just notions as to the mode in which, and the means whereby, the outrages which afflict the country are effected; and as to the motives which may have led to their perpetration.”

Now, what had that House to do with suppositions? He said it was folly to legislate on them, and that the whole proceeding was a monstrous farce. Again, Col. Miller said :—

“The police reports bear upon a variety of subjects, for, besides, the numerous cases of agrarian outrages, such as homicides, robbing for arms, attacking and burning houses, maiming of cattle, and other acts of malicious injury, the public peace is frequently disturbed by illegal combinations to resist legal process, to regulate the wages of labour, to assert right of turbary or commonage, or to seize and carry off seaweed, &c. In all such cases illegal combination is readily formed, and, when necessary, arms are sure to be forthcoming. There is, I regret to say, an unhappy propensity among the Irish peasantry to effect their ends, whatever those ends may be, by intimidation and violence; and even in cases of real injury occurring among themselves, where a legal remedy might doubtless be obtained, our police reports show that they are often prone to redress such wrongs by some cruel acts of retaliation, rather than proceed by course of law.”

He denied that there were any combinations in Ireland. He knew of but

one, and as to the people not liking to have recourse to law when it was accessible, they gladly availed themselves of it. They attended cheerfully at courts of petty session. But Colonel Miller was so much at a loss for facts to allege against the Irish, that he went back for ten years to rake up the old disturbance of Church-rate. Fie on him! Col. Miller said :—

“Of late years we have seen vast numbers illegally banded together to resist the payment of tithes and Church-rates, when much bloodshed ensued, more recently, the levying of the poor-rate has been forcibly resisted, and lives have been lost in the conflict.”

Here was another extraordinary passage of the report—

“In the districts of Ireland where the agrarian and other disorders are most prevalent, the progress of disturbance is marked invariably by the same characteristics. The system of intimidation is traced by the pillaging of arms, the posting of threatening notices, and the firing of shots, the administering of unlawful oaths, to compel the reluctant to enter into combination, the firing into dwellings, &c. Hence the thirst for the possession of arms, which is a ruling passion among so many of the peasantry.”

A thirst for arms. The Irish might thirst for whiskey, but who had ever before heard of their thirsting for arms? Colonel Miller knew nothing of the Irish, and gave a most unfair description of their character. The noble Lord again quoted Col. Miller's evidence, which he said was a most inaccurate description of the Irish character, and on that imperfect and inaccurate description this bill was to be supported, and the indignity was to be put on the Irish of having their arms branded. He contended that this officer was not at all acquainted with the rural population of Ireland. His report was full of misrepresentations. Instead of following that gallant officer's advice, he thought it would be much better to remove the Lord-lieutenant from Ireland, and to clean out Dublin Castle. If the Viceroyalty were done away, Dublin Castle cleansed out, and the court there abolished, it would do more to restore peace to Ireland than an Arms Bill. That would be more effective in restoring order and restraining violence than all the coercive measures which the Government could devise. If this clause was not left out, he would oppose the bill to the utmost of his power at every stage.

Mr. Vesey said, the noble Lord had

treated the matter as if the bill was founded on the opinions and suggestions of police magistrates alone. Now he, as a local magistrate, as a resident observer, as one who had the best means of observation, felt himself bound to express his conviction as to the necessity which existed for the measure now introduced, and the inefficiency of the existing law. He was sorry to be compelled to say, the practice prevailed of hiring strangers to commit outrages and crimes. If any person desired to have his neighbour injured or fired at, he employed strangers, unknown, and therefore not easily identified. If those persons employed for such evil purpose were met by the police before the outrage was committed, on their way to the actual perpetration, with arms in their hands, they were not empowered to interfere, nor even to question the parties. An instance occurred, to his recollection, which would exemplify the matter. A gentleman residing in his neighbourhood was fired at in the open day. The deed was committed by two strangers. Those very men had been met by some of the police before the outrage was committed, and they had arms. The suspicions of the police were roused, but, not being empowered to interfere, they could only make such observation as might enable them to identify the parties if necessary. Would not the peace and the lives of individuals be better secured by some law which would have given the means of prevention? In another case a murder had been committed about two years ago; one of the men who committed it was met, while running away, by a magistrate, who, though strongly suspecting from his manner and from his speed of flight that some bad act had been perpetrated, was unable to arrest him. These men escaped punishment. He would mention one other case. He was himself returning from hunting one day when he met two very suspicious-looking persons with arms. Had the power intended by this bill to be given to magistrates then existed, he should have been able to call on the nearest police force, and ascertain whether these men were properly licensed, and bore registered arms. But the power did not exist, and crimes were subsequently committed by those very men, and the party to which they belonged. He had been in Ireland when the bill was brought into the House, and had

heard no complaint on the subject. There certainly now was excitement in Ireland on the subject, but it was caused by the speeches of hon. Members in this House. At the Repeal meetings throughout the country, where every topic was greedily seized on for complaint, this bill was not used as one of the intrinsic subjects of complaint. Believing that under the present law crimes were frequently committed with impunity, that the arms being branded would lead to identification of offenders, and that this bill altogether would tend to repress the flagrant outrages which disgraced the country, he would give it his support and hoped it would pass into law.

Mr. *G. Hamilton* stated that there was no disinclination among magistrates in his part of the country to grant licences to proper persons; he recollected very few instances in which licences had been refused. He could not subscribe to the doctrine laid down by the hon. Member for Waterford city, that in legislating the House was to assume that magistrates would do injustice.

Sir *R. Ferguson* could not see that the branding of arms would give any security to the public. There were gun clubs holding weekly meetings; at each meeting money sufficient was subscribed to purchase one gun, which was raffled for; at the end of the year each member possessed a gun. Now, supposing one gun to be branded, was it not easy to have that mark nine times over, and if those guns were used in different parts, as they would be, most probably, what security was there from the licence? The clause, therefore, was only vexatious, and not likely to be of any use.

Sir *D. Roche* considered the branding of arms quite unnecessary, because a person could be punished if found with unregistered arms. He believed the bill would not avail in the protection of the public or the suppression of offences, whilst it would be regarded as an insult by the well-disposed.

Mr. *V. Stuart* thought the clause unnecessary. Although he was prepared to support the bill generally, he should decidedly oppose this clause, and he warned the Government against the consequences of pressing it on the House.

Sir *T. Wilde* said, all agreed in this, that it was of the utmost importance not to excite unnecessarily irritation in Ireland,



and he confessed that, looking at the state of Ireland, and admitting that they could give effect to such a bill as this, still that they ought to have proved to them that this clause was indispensable, for he could not conceive a more powerful weapon to excite irritation and to produce ill-will against the Government than this clause. Every man who had any description of arms branded under this clause, would only have to hold it up to his fellow countrymen in order to excite irritation in their minds. He could not imagine any means better calculated to cause such a feeling than the production of some branded weapon for the purpose of manifesting their degradation. In the first place the House would observe that this clause would apply to what was generally called "arms." The noble Lord opposite had only spoken of fire-arms; but the branding was not to be confined to them. In other parts of the bill they found that a pike or a spear head were defined as arms. Might not a bill-hook? Might not even a spit be regarded as coming under the definition of arms? A person having a spear head was by a clause of the bill liable to punishment. Was not, then, every description of arms to be branded? It was to be remembered that the branding or mark was a thing that would endure as long as the arms themselves remained. It would be a constant memorial of the unfortunate state of Ireland. If it were not necessary, it would be called an insult to the country. He would not call it an insult if it were essential to the security of the peace of that country; but every coercive measure that went beyond that necessity became an insult. The reasons for retaining this clause should be obvious to every one. He found, however, that amongst those favourable to the bill itself, some objected to this clause. Unfortunately they had an Arms Bill for Ireland. Having that Arms Bill for some years before they introduced this clause, they were bound to show that mischief had arisen from the want of such a clause. Now, if mischief were designed to be done by arms, there might be a forgery of the marks. What, he asked, could be the nature of the marks, that it should defy imitation? Let them suppose, then, that a person was going to commit a crime, surely he might have his arms branded, or the brand imitated. Ought they not, then, to have it clearly in evidence, that

the bill without this clause, could not have the effect that they desired. There was no statement made that the former bill was not found adequate for the purpose without this clause. They had no evidence—all that was given to them was opinion. If the persons had facts on which they rested their opinions, why were not those facts given to this House, and then they might decide themselves upon their value and importance. They ought to consider, in connection with this clause, the large powers that were given to magistrates as to who should or who should not have arms. What was "the fitness" of a man that was to determine his retaining the privilege of having arms to defend himself? What was the test? His "fitness" was to be decided by the magistrates. It was of extreme importance for them to consider, and to pause, before they gave to those magistrates a discretion of so large a nature as that which related to the "fitness" of a man. Was there any man in that House who would venture to say, in the face of the country, that they could give a power liable to greater abuse than that which would leave to persons to say whether or not a man was fitted for a particular purpose? It might be that a man was suspected of being a poacher, that he was not a sober man, to make him offensive to the magistrates. They did not know how much, independent of a man's loyalty, might weigh with those who had to judge of his fitness. How could a man legally complain of what had been done by magistrates who had to decide upon his "fitness?" If a man were refused his licence he might appeal; but when once he had appealed, the first magistrate he met might recall the licence, and that was without appeal. It was, he considered, extremely important that in passing such a bill they should do nothing that could make it be regarded as a national insult. The very word "branding," he thought, had been unfortunately chosen. If they attended to the speeches made in Ireland, they would find a strong contrast made between the legislation for England and Ireland; and they ought, therefore, to be cautious, unless there was an indispensable necessity for it, not by such a clause as this to give any aid to the excitement that now existed amongst the Irish people. The clause, in his opinion, was open to the objections made on that side of the House and those objections had not received any

answer, nor had it been shown that former bills had failed without it.

Mr. T. B. C. Smith observed that Gentlemen from Ireland had not stated that the marking of these arms would be degrading to them or regarded as an insult to Ireland. The hon. Gentleman was a law officer of the Crown in 1841, when that general discretion was given to the magistrates which he now objected to. The same occurred as to the withdrawal of the licences without appeal. The schedule described what was meant in Ireland as arms. He admitted the clause might be used as a subject for exciting irritation, by those who sought for such topics; but he would show by resolutions of the King's County magistrates, that the branding of arms was not regarded as an insult to them. In the recent case of Mr. Scully, men, the supposed murderers, were seen prowling about the neighbourhood with arms—two pairs of pistols, a musket, and a blunderbuss—and if some provision of the present kind had existed, they might have been examined, and the murder perhaps prevented. He thought sufficient evidence existed of the necessity for such a power.

The committee divided on the question that the clause stand part of the Bill—Ayes 178; Noes 104: Majority 74.

#### *List of the AYES.*

A'Court, Capt.	Chetwode, Sir J.
Acton, Col.	Christopher, R. A.
Adare, Visct.	Chute, W. L. W.
Adderley, C. B.	Clayton, R. R.
Antrobus, E.	Clerk, Sir G.
Arbuthnot, hon. H.	Clive, Visct.
Arkwright, G.	Clive, hon. R. H.
Ashley, Lord	Colquhoun, J. C.
Baillie, Col.	Connolly, Col.
Baird, W.	Corry, rt. hon. H.
Balfour, J. M.	Courtney, Lord
Baskerville, T. B. M.	Cripps, W.
Bateson, R.	Damer, hon. Col.
Beckett, W.	Denison, E. B.
Bernard, Visct.	Dickinson, F. H.
Blackburne, J. I.	Douglas, Sir C. E.
Boldero, H. G.	Drummond, H. H.
Borthwick, P.	Duncombe, hon. O.
Boyd, J.	Du Pre, C. G.
Bradshaw, J.	Eaton, R. J.
Bramston, T. W.	Egerton, W. T.
Broadley, H.	Egerton, Sir P.
Brooke, Sir A. B.	Eliot, Lord
Bruce, Lord E.	Estcourt, T. G. B.
Buller, Sir J. Y.	Farnham, E. B.
Bunbury, T.	Fellowes, E.
Campbell, Sir H.	Fitzmaurice, hon. W.
Chelsea, Visct.	Flower, Sir J.

Follett, Sir W. W.	Mainwaring, T.
Forester, hn. G. C. W.	Manners, Lord C. S.
Forman, T. S.	Martin, C. W.
Gaskell, J. Milnes	Maxwell, hon. J. P.
Gladstone, rt. hn. W. E.	Meynell, Capt.
Gladstone, Capt.	Miles, P. W. S.
Glynne, Sir S. R.	Miles, W.
Godson, R.	Mordaunt, Sir J.
Gordon, hon. Capt.	Morgan, O.
Gore, M.	Neville, R.
Gore, W. R. O.	Newry, Visct.
Goring, C.	Nicholl, rt. hon. J.
Goulburn, rt. hon.	Norreys, Lord
Graham, rt. hn. Sir	Northland, Visct.
Gregory, W. H.	O'Brien, A. S.
Grimston, Visct.	Palmer, G.
Grogan, E.	Patten, J. W.
Hale, R. B.	Peel, rt. hon. Sir R.
Halford, H.	Peel, J.
Hamilton, J. H.	Praed, W. T.
Hamilton, G. A.	Pringle, A.
Hamilton, W. J.	Pusey, P.
Hamilton, Lord C.	Rendlesham, Lord
Harcourt, G. G.	Repton, G. W. J.
Hardinge, rt. hn. Sir H.	Rose, rt. hon. Sir G.
Hardy, J.	Round, C. G.
Hayes, Sir E.	Round, J.
Henley, J. W.	Rous, hon. Capt.
Hepburn, Sir T. B.	Rushbrooke, Col.
Hervey, Lord A.	Sandon, Vist.
Hillsborough, Earl of	Scarlett, hon. R. C.
Hinde, J. H.	Seymour, Sir H. B.
Hodgson, F.	Shaw, rt. hon. F.
Hodgson, R.	Smith, A.
Hogg, J. W.	Smith, rt. hn. T. B. C.
Hope, hon. C.	Smollett, A.
Hope, A.	Somerset, Lord G.
Hope, G. W.	Stanley, Lord
Hussey, A.	Stewart, J.
Hussey, T.	Stuart, H.
Ingestre, Visct.	Sutton, hon. H. M.
Irton, S.	Taylor, T. E.
Jermyn, Earl	Tollemache, hn. F. J.
Jocelyn, Visct.	Tollemache, J.
Jolliffe, Sir W. G. H.	Trench, Sir F. W.
Jones, Capt.	Trollope, Sir J.
Kemble, H.	Trotter, J.
Knatchbull, rt. hn. Sir E.	Turnor, C.
Knight, F. W.	Verner, Col.
Knightley, Sir C.	Vesey, hon. T.
Law, hon. C. E.	Vivian, J. E.
Lefroy, A.	Welby, G. E.
Lennox, Lord A.	Wellesley, Lord C.
Leslie, C. P.	Wodehouse, E.
Lincoln, Earl of	Wood, Col.
Lockhart, W.	Wortley, hn. J. S.
Lowther, J. H.	Wortley, hon. J. S.
Lowther, hon. Col.	Wynn, Sir W.
Lygon, hon. Gen.	Young J.
Mackenzie, T.	
Maclean, D.	
McGeachy, F. A.	
Mahon, Visct.	

#### TELLERS.

Fremantle, Sir T.  
Baring, H.

#### *List of the NOES.*

Aglionby, H. A.	Archbold, R.
Adam, W.	Baring, rt. hon. F. T.



Barnard, E. G.  
 Barron, Sir H. W.  
 Berkeley, hon. Capt.  
 Bernal, R.  
 Blewitt, R. J.  
 Bodkin, John Jas.  
 Bowring, Dr.  
 Brocklehurst, J.  
 Brotherton, J.  
 Browne, hon. W.  
 Busfield, W.  
 Carew, hon. R. S.  
 Cavendish, hon. G. II.  
 Chapman, B.  
 Coleborne, hn. W. N.  
 Colebrooke, Sir T. E.  
 Collett, J.  
 Craig, W. G.  
 Crawford, W. S.  
 Dalrymple, Capt.  
 Dashwood, G. II.  
 Denison, J. E.  
 Dennistoun, J.  
 D'Eyncourt, rt. hn. C.  
 Duncan, Visct.  
 Dunean, G.  
 Duncombe, T.  
 Ebrington, Visct.  
 Esmonde, Sir T.  
 Ewart, W.  
 Ferguson, Col.  
 Ferguson, Sir R. A.  
 Fitzroy, Lord C.  
 Forster, M.  
 Gore, hon. R.  
 Grey, rt. hn. Sir G.  
 Grosvenor, Lord R.  
 Hall, Sir B.  
 Hastie, A.  
 Hatton, Capt. V.  
 Hawes, B.  
 Heathcoat, J.  
 Hill, Lord M.  
 Horsman, E.  
 Hume, J.  
 Hutt, W.  
 James, W.  
 Labouchere, rt. hn. H.  
 Maucaulay, rt. hn. T. B.  
 Majoribanks, S.  
 Marsland, H.

Mitcalfe, H.  
 Mitchell, J. A.  
 Morris, D.  
 Murphy, F. S.  
 Napier, Sir C.  
 Norreys, Sir D. J.  
 O'Brien, J.  
 O'Brien, W. S.  
 O'Connor, Don  
 O'Ferrall, R. M.  
 Palmerston, Visct.  
 Pechell, Capt.  
 Philips, G. R.  
 Pigot, rt. hon. D.  
 Plumridge, Capt.  
 Rice, E. R.  
 Roche, Sir D.  
 Ross, D. R.  
 Russell, Lord J.  
 Russell, Lord E.  
 Scholefield, J.  
 Seale, Sir J. H.  
 Smith, B.  
 Smith, J. A.  
 Smith, rt. hn. R. V.  
 Stansfield, W. R. C.  
 Stuart, W. V.  
 Strickland, Sir G.  
 Strutt, E.  
 Tancred, H. W.  
 Thornely, T.  
 Traill, G.  
 Tufnell, H.  
 Wakley, T.  
 Wall, C. B.  
 Wallace, R.  
 Ward, H. G.  
 Watson, W. H.  
 Wawn, J. T.  
 Wemyss, Capt.  
 Wilde, Sir T.  
 Williams, W.  
 Wilshire, W.  
 Winnington, Sir T. E.  
 Wood, B.  
 Wrightson, W. B.  
 Wyse, T.  
 Yorke, H. R.

## TELLERS.

Clements, Visct.  
 O'Connell, M. J.

On clause 9, licenses to be applied for at subsequent sessions as at the first,

Sir R. Ferguson moved to omit some words of the clause.

The question was put, that the words proposed to be omitted stand part of the clause. A discussion which lasted nearly two hours ensued, and which turned on the wording of the clause. The opposition contending that it was in a great measure unintelligible, and requesting it to be postponed, the Ministerialists denying the unintelligibility and contending that if it were obscure, that

was no reason for postponing it. There were imputations of factious motives on the one side, and of improper insinuations on the other. Finally, a motion was made that the chairman do report progress. On the question the committee divided. Ayes 92, Noes 152: Majority 60.

*List of the AYES.*

Aglionby, H. A.  
 Archbold, R.  
 Baring, rt. hon. F. T.  
 Barron, Sir H. W.  
 Berkeley, hn. Capt.  
 Bernal, R.  
 Blewitt, R. J.  
 Bodkin, J. J.  
 Bowring, Dr.  
 Browne, hon. W.  
 Busfield, W.  
 Carew, hn. R. S.  
 Cavendish, hon. C. C.  
 Cavendish, hon. G. II.  
 Chapman, B.  
 Colborne, hn. W. N. R.  
 Collett, J.  
 Craig, W. G.  
 Crawford, W. S.  
 Dalrymple, Capt.  
 D'Eyncourt, rt. hn. C.  
 Duncan, Visct.  
 Duncan, G.  
 Duncombe, T.  
 Dundas, D.  
 Ebrington, Visct.  
 Ellice, E.  
 Elphinstone, H.  
 Esmonde, Sir T.  
 Evans, W.  
 Ewart, W.  
 Ferguson, Sir R. A.  
 Fitzroy, Lord C.  
 Gill, T.  
 Gore, hon. R.  
 Grey, rt. hn. Sir G.  
 Hall, Sir B.  
 Hallyburton, Lord G.  
 Hatton, Capt. V.  
 Hill, Lord M.  
 Holland, R.  
 Horsman, E.  
 Howard, hn. J. K.  
 Howard, P. H.  
 Hume, J.  
 Hutt, W.  
 James, W.  
 Labouchere, rt. hn. H.

Leveson, Lord  
 Majoribanks, S.  
 Mitcalfe, H.  
 Mitchell, T. A.  
 Morris, D.  
 Murphy, F. S.  
 Napier, Sir C.  
 Norreys, Sir D. J.  
 O'Brien, J.  
 O'Brien, W. S.  
 O'Connell, M. J.  
 O'Conor Don  
 O'Ferrall, R. M.  
 Palmerston, Visct.  
 Pechell, Capt.  
 Philips, G. R.  
 Ponsonby, hn. C. F. A. C.  
 Ricardo, J. L.  
 Rice, E. R.  
 Roche, Sir D.  
 Ross, D. R.  
 Russell, Lord J.  
 Russell, Lord E.  
 Scholefield, J.  
 Seymour, Lord  
 Smith, rt. hn. R. V.  
 Stansfield, W. R. C.  
 Stuart, Lord J.  
 Stuart, W. V.  
 Strutt, E.  
 Tancred, H. W.  
 Thornely, T.  
 Trelawney, J. S.  
 Tufnell, H.  
 Vivian, J. H.  
 Wall, C. B.  
 Wallace, R.  
 Watson, W. H.  
 Wawn, J. T.  
 Wemyss, Capt.  
 Williams, W.  
 Wood, B.  
 Wyse, T.  
 Yorke, H. R.

## TELLERS.

Clements, Visct.  
 Brotherton, J.

*List of the NOES.*

A'Court, Capt.  
 Acton, Col.  
 Adderley, C. B.  
 Allix, J. P.  
 Antrobus, E.  
 Arkwright, G.

Astell, W.  
 Baillie, Col.  
 Baird, W.  
 Baring, hon. W. B.  
 Baskerville, T. B. M.  
 Bateson, R.

Beckett, W.  
 Bernard, Visct.  
 Blackburne, J. I.  
 Boldero, H. G.  
 Borthwick, P.  
 Boyd, J.  
 Bradshaw, J.  
 Bramston, T. W.  
 Broadley, H.  
 Broadwood, H.  
 Brooke, Sir A. B.  
 Bruce, Lord E.  
 Buller, Sir J. Y.  
 Bunbury, T.  
 Chelsea, Visct.  
 Chetwode, Sir J.  
 Christopher, R. A.  
 Chute, W. L. W.  
 Clayton, R. R.  
 Clerk, Sir G.  
 Clive, Visct.  
 Clive, hn. R. H.  
 Cochran, A.  
 Colville, C. R.  
 Connolly, Col.  
 Corry, rt. hon. H.  
 Courtenay, Lord  
 Cripps, W.  
 Damer, hon. Col.  
 Darby, G.  
 Dawnay, hon. W. H.  
 Denison, E. B.  
 Dickinson, F. H.  
 Douglas, Sir C. E.  
 Duncombe, hon. O.  
 Du Pre, C. G.  
 Egerton, Sir P.  
 Eliot, Lord  
 Estcourt, T. G. B.  
 Farnham, E. B.  
 Fellowes, E.  
 Fitzmaurice, hn. W.  
 Flower, Sir J.  
 Forester, hn. G. C. W.  
 Fox, S. L.  
 Fuller, A. E.  
 Gaskell, J. Milnes  
 Gladstone, rt. hn. W. E.  
 Gladstone, Capt.  
 Glynne, Sir S. R.  
 Gordon, hon. Capt.  
 Gore, W. R. O.  
 Goulburn, rt. hon. H.  
 Graham, rt. hn. Sir J.  
 Grimston, Visct.  
 Grogan, E.  
 Hale, R. B.  
 Hamilton, G. A.  
 Hamilton, W. J.  
 Hamilton, Lord C.  
 Hardinge, rt. hn. Sir H.  
 Hardy, J.  
 Hayes, Sir E.  
 Henley, J. W.  
 Hepburn, Sir T. B.  
 Hervey, Lord A.  
 Hillborough, Earl of

Hinde, J. H.  
 Hodgson, F.  
 Hodgson, R.  
 Hope, hon. C.  
 Hope, A.  
 Hope, G. W.  
 Hussey, A.  
 Hussey, T.  
 Ingestrie, Visct.  
 Iton, S.  
 Jermyn, Earl  
 Jocelyn, Visct.  
 Johnstone, Sir J.  
 Jolliffe, Sir W. G. H.  
 Knatchbull, rt. hn. Sir E.  
 Knight, H. G.  
 Knight, F. W.  
 Knightley, Sir C.  
 Lefroy, A.  
 Leslie, C. P.  
 Lincoln, Earl of  
 Lockhart, W.  
 Lowther, J. H.  
 McGeachy, F. A.  
 Mahon, Visct.  
 Mainwaring, T.  
 Manners, Lord C. S.  
 Marsham, Visct.  
 Martin, C. W.  
 Masterman, J.  
 Maxwell, hon. J. P.  
 Meynell, Capt.  
 Miles, P. W. S.  
 Miles, W.  
 Milnes, R. M.  
 Mordaunt, Sir J.  
 Morgan, O.  
 Neville, R.  
 Newdigate, C. N.  
 Newport, Visct.  
 Newry, Visct.  
 Nicholl, rt. hon. J.  
 Northland, Visct.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, J.  
 Pennant, hon. Col.  
 Praed, W. T.  
 Pringle, A.  
 Pusey, P.  
 Rendlesham, Lord  
 Repton, G. W. J.  
 Rose, rt. hon. Sir G.  
 Round, J.  
 Rushbrooke, Col.  
 Sanderson, R.  
 Scarlett, hon. R. C.  
 Shaw, rt. hon. F.  
 Smith, rt. hn. T. B. C.  
 Somerset, Lord G.  
 Stanley, Lord  
 Stuart, H.  
 Sutton, hon. H. M.  
 Talbot, C. R. M.  
 Trench, Sir F. W.  
 Verner, Col.  
 Vesey, hon. T.

Waddington, H. S.  
 Wellesley, Lord C.  
 Wood, Col.  
 Wortley, hon. J. S.  
 Wynn, Sir W. W.

Young, J.  
 TELLERS.  
 Fremantle, Sir T.  
 Baring, H.

The original question being again put, it was again moved that the committee do report progress. House resumed. Committee to sit again.

The House adjourned at one o'clock.

## HOUSE OF LORDS,

Friday, June 30, 1843.

MINUTES.] *BILLS. Public.*—2<sup>a</sup>. Chelsea Hospital; Apprehension of Offenders (America); Apprehension of Offenders (France).

*Reported.*—Sugar Duties Bill.

*Private.*—1<sup>a</sup>. Bishop of Kilmore's, etc. Estate; Ross and Cromarty Jurisdiction.

2<sup>a</sup>. Maryport and Carlisle Railway; Liverpool Watering; Saggart Inclosure Award (or Swift's) Hospital; Salmon Fisheries.

*Reported.*—Earl of Gainsborough's Estate; Neath Harbour (No. 2); Mildenhall Drainage; South Eastern and London and Croydon Railway.

5<sup>a</sup> and passed:—Borrowstownness Harbour; Hull Water Works.

PETITIONS PRESENTED. By Lord Lyttleton, from Dudley, Lord Hatherton, from West Bromwich, and Cheltenham, and Lord Wharnccliffe, from Sheffield, against the Charitable Loan Societies Bill.—By Lord Carbery, from Cork, against the Repeal Agitation in Ireland.

## THE REPEAL AGITATION (IRELAND).]

Lord Carbery presented, pursuant to notice, a petition from the county of Cork, complaining of the present repeal agitation, and of the dangerous meetings which were daily held for the ostensible purpose of petitioning Parliament for the repeal of the act of legislative union. He would be cautious and not exaggerate the alarm and the danger consequent on the proceedings of which the petition complained; but his duty constrained him to declare that those proceedings were fraught not only with alarm but with peril to the loyal and peaceable portion of the Irish community. Up to the last month, the agitation had been somewhat confined in its operations—meetings had been held only in the smaller towns, and the people had congregated in comparatively smaller numbers. But those minor meetings were only preparatory to more alarming demonstrations. Within the county from which this petition emanated, there had been recently held, independently of several smaller meetings, two great district meetings, to which the population at large had thronged in immense multitudes. He was



not disposed to give credence to statements plainly exaggerated, nor would he now inquire whether the multitudes so congregated numbered hundreds of thousands or not. One thing was clear, they were sufficiently large to create intense anxiety and alarm; and their effect, in conjunction with the language used, the objects sought, and the sentiments inspired, had been to compel numbers of peaceable and loyal well-disposed persons to leave the country and either throng into the large towns, or remove to a greater distance from the scenes of excitement. About a month ago a new feature had developed itself in this agitation, and had greatly augmented the excitement. Before that period the Roman Catholic bishops generally had stood aloof, or had at least taken no active part in the agitation. But about the time referred to, the greater number of those bishops had given in their adhesion to the repeal association. Since that adhesion by letter, by the delivery of speeches, and by the subscription of their names, on the part of the Roman Catholic bishops, the parish priests, before sufficiently so disposed, had become more active in their support of the agitation. They had marshalled their flocks in thousands, marched them in regular order, to great public meetings, and had collected money from them for the purposes contemplated by the repeal association. Nay, what was infinitely more to be regretted, the priests had threatened, with curses, all those who should not attend the meetings. True, as yet the public peace had not been broken; but if these things were permitted, who could answer for the continued peace of the country? About the time that the Roman Catholic bishops generally had thrown themselves into the ranks of repeal, the association in Dublin issued an address to the people of Ireland. It was signed by Mr. O'Connell, as chairman of a committee, and was dated the 6th of June. It stated as their objects:—1st, restoration of a separate and local parliament for Ireland; 2nd, the restoration of the judicial independence of Ireland; next, the remodelling of the House of Commons, household suffrage, vote by ballot, and the severance of all connexion between the church and the state. And then came the fixity of tenure, which noble Lords must be convinced was only another name for agrarian dominion—Absenteeism and the public debt formed

two other objects of contemplated alteration. And the address concluded with those words—

“The time is come when Irishmen can make Ireland their own. Where is the man with an Irish heart who will not join in the glorious struggle for the rights, the liberties, the prosperity of his native land? Away, then, with idle fears, with vain jealousies, with causeless apprehensions, with anti-religious animosities. Irishmen, one and all, Catholic, Protestant, Presbyterian, Dissenter—rally for the land of your birth—your fatherland.”

On those exciting topics, speeches the most inflammatory were addressed to assembled thousands. The petition which he had presented prayed their Lordships to pass some law to repress those proceedings. As to the great and avowed object, the repeal of the union, there were, he thought, only two ways of accomplishing it—either by coming to Parliament and obtaining a law for the purpose, or by force and civil war. He felt justified in saying that to the latter mode alone the conduct of the repeal leaders pointed. The two hon. Members for his own county, the county of Cork, did not think it right to come to Parliament; they would not even petition Parliament on the subject; they thought it better to harangue the people in the most exciting manner. Among the evil effects of this agitation was, that it effectually prevented the introduction of English capital into the country. That was a matter of fact, an instance of which had come within his own knowledge, where a large capital was about to be embarked in an enterprise in his own vicinity; but, in consequence of the alarming state of the country, the enterprise was suspended, if not wholly abandoned. He would ask their Lordships how long was this to continue? The country was endangered—the confidence of the loyal, the peaceable, and well-disposed was shaken, and disaffection was widely spreading. He would conclude by expressing his deep and earnest conviction that her Majesty's Government was bound to take some prompt and decisive steps, with the view of putting an end to a state of things so alarming.

Petition to lie on the Table.

EXTRADITION OF OFFENDERS.] The Earl of Aberdeen in moving the second reading of the Apprehension of Offenders (America) Bill, said he presumed the ob-

ject of the measure would meet with general support. It seemed natural and reasonable, that friendly and neighbouring states should aid each other in the detection and punishment of acts considered criminal by the whole of the civilised world, by which life and property were attacked. Many writers had maintained that this was a duty which governments owed to each other; among others, those who were most quoted, and considered of most authority in this country, Grotius and Vattel, both declared it a national duty. That doctrine had received support from English judges; but as the law stood, it was now he believed, universally admitted that no power existed in this country of delivering any persons to the authorities of a foreign state, without the sanction of an act of Parliament. The principle was fully laid down last year, in the case of the Creole, by noble and learned Members of that House, that to deliver up the individuals concerned therein to be tried for murder, was not within the competence of Government. Their Lordships might be aware that the treaty of 1794 with the United States of America, contained a provision similar in principle to the object of the present bill. The class of offenders to which that treaty related, was not so numerous as that embraced by the present bill, and its duration was limited. It expired in 1806, and though a new treaty was negotiated in that year, as it was not ratified, no such stipulations had since been in existence. From various circumstances it had been impossible to come to an understanding on the subject with the United States Government, until the mission of his noble Friend near him enabled him to take up the subject, and conclude an engagement with the United States similar to one proposed in 1840. The crimes specified in the treaty of Washington were—murder, assault with intent to commit murder, piracy, forgery, arson, robbery, or the utterance of forged paper. He did not anticipate that any inconvenience could arise from the carrying out of this treaty, except what referred to the case of fugitive slaves, and this was no doubt a subject that would require the utmost caution on the part of those who would have to administer the law arising from the new relations between the two countries. Some people had supposed that a fugitive slave might be delivered up under this

treaty. This, he must say, was a most unfounded notion. Not only was a fugitive slave guilty of no crime in endeavouring to escape from a state of bondage, but he was entitled to the sympathy and encouragement of all those who were animated by Christian feelings. But then it had been said, a slave running away might be accused of theft on the ground that the very clothes he wore were not his own, but the property of his master. This, however, in his judgment could never be construed into a theft. Nay, more, if the slave took a horse with him, or seized upon a boat, or in short, appropriated to his use anything that was necessary to his flight, such an act could never be held to establish an *animus furandi*. Another point must be borne in mind, namely, that if at any time a fugitive slave should be demanded under this treaty, the demand would not be made by any slave state, but by the central government at Washington, and this would in itself be a considerable security against any improper application. Another security against any improper application would be found in the reference which would be made to the home Government by the governors of colonies, in case of any difficulty arising, when the home Government would, of course, be assisted by the best legal advice that could be obtained. But the great security was that by an express stipulation in the treaty it was agreed that the articles by which the two governments bound themselves to a mutual surrender of criminals, should continue in force only till one or other of the two governments signified its intention to terminate it, so that, whenever inconveniences, arose, either government was at liberty to put an end to that part of the treaty, without being under the necessity of giving any notice beforehand. The convention with France was of a more limited nature. Here also, a similar convention had been entered into on a former occasion, and provisions had been introduced into the Alien Bill of 1802, with a view to give effect to it. But the peace at that period was so short in its duration, that the convention never came into force. The French government had since expressed an anxiety on several occasions to renew that treaty, and the present moment had been deemed particularly well calculated for renewing it, as it was thought desirable to improve that spirit of good



neighbourhood and those friendly relations that at present so happily existed between the two countries. It had been thought most advisable, however, to begin with the same articles as were contained in the treaty of Amiens, and farther extension might afterwards be easily given to the principles. The treaty with France had been made valid for one year, and afterwards, until six months after either party had intimated a wish to terminate the arrangement. He hoped, under these circumstances, that no objection would be made to the second reading of these bills.

Lord *Brougham* had listened with much gratification to the satisfactory statement of his noble Friend, and particularly to that part of his application which referred to fugitive slaves. It might, however, be matter for future consideration whether it would not be better to introduce some explanatory clause into the bill, in order to do away with all ambiguity on this point. He felt great satisfaction at observing in these bills a proof of the good feeling that existed between the several countries parties to these treaties.

Lord *Cottenham* was understood to express an opinion that some legislative measure would be desirable to explain the nature of those acts that might be offences in the one country but not in the other.

Lord *Campbell* said, he highly approved of these bills. Without treaty it was clear that no state was bound to deliver up offenders to be tried for crimes committed out of its territories, but there was an imperfect obligation on all states for the general security of mankind to enter into treaties for reciprocal extradition. The only anxiety here was, that the slaveholding provinces in America might not be permitted to pervert this arrangement into an instrument of reclaiming fugitive slaves. But the principal object of his then offering himself to the attention of the House was to submit that there were other articles of the Treaty of Washington, which required to be sanctioned by the legislature. He did not mean to revive any of the questions which had been agitated on the merits of that treaty. He was willing that it should be carried into full effect, as much as if it had been in all respects for the honor and advantage of England. The third article stipulates that the produce of the territory ceded to America on the banks of the river St. John, when it is brought down that river

to New Brunswick, shall be dealt with as if it were the produce of that province, so that it may be shipped to England as English colonial produce, and may be imported into England as English colonial produce, paying duties as English colonial produce. This might be all very proper, but could not be done by the mere prerogative of the Crown, as the duties to be paid on the produce of the United States of America, and on the produce of the English colonies, had been fixed by act of Parliament. A still more important consideration arose from the Boundary Line which transferred an English settlement to the United States. The Treaty of Washington in fixing the Boundary, did not proceed upon a construction of the Treaty of Versailles, agreed to between Oswald and Franklin. This treaty was disregarded by Lord Ashburton and Mr. Webster, who "agreed on a conventional line convenient to both parties, with such equivalents and compensations as were deemed just and reasonable." By this conventional line the Madawaska settlement on the right bank of the St. John's was made over to the Americans. The history of this settlement was given by the noble negotiator himself in a letter to Mr. Webster.

"It was originally formed from the French establishments in Acadie, and has been uninterrupted under French or British dominion, and never under any other laws. The inhabitants have professed great apprehensions of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen deprecating that being done."

The inhabitants before the treaty were, English subjects governed by English magistrates, owing allegiance to the Crown of England. The Queen's writ and no other writ ran in that settlement. The settlement must be considered as part of the British Empire. Could it be alienated by the mere power of the prerogative? He apprehended that it could not. The Queen can declare war and make treaties of peace. A conquest made in war at the conclusion of peace, might be delivered back, and if *de facto* an English possession had been taken from us during the war, the Crown by a treaty of peace might probably renounce all claim to it. But when by treaty a territory had been annexed to the Crown in full Sovereignty, and in time of peace we were in possession of it, he denied the right of

the Crown to surrender it by treaty to a foreign state. All Jurists agreed that the alienation of territory can only be by the supreme authority in any state. The venal instance given in the treaty of Madrid, by which Francis I. stipulated to surrender the Duchy of Burgundy to Charles V. The Kings of France could then make peace and war, but the States-general, from time to time met. The States-general not having ratified this treaty, it was not considered binding on France, and France was not considered guilty of bad faith in refusing to fulfil it. Vattel says:

"But now that there are no longer any meetings of the States-general in France; the King remains the sole organ of the state, with respect to other powers, these latter have a right to take his will for that of all France; and the cessions the King might make them, would remain valid, in virtue of the tacit consent by which the nation has vested the King with unlimited powers to treat with them. Were it otherwise, no solid treaty could be entered into with the Crown of France. For greater security however, other powers have often required that their treaties should be registered in the Parliament of Paris: but at present even this formality seems to be laid aside."

What says this great Jurist respecting the constitution of England?

"The Kings of England are authorised to conclude treaties of peace and alliance; but they cannot by those treaties alienate any of the possessions of the Crown, without the consent of Parliament."

The Madawaska settlement being undistinguishable in this respect from Quebec, the cession of it required Parliamentary ratification. The House might recollect that in the year 1783, there was a controversy on this subject between two great lawyers, Lord Loughborough and Lord Thurlow—the former contending that the treaty with the United States required the sanction of Parliament—which was stoutly denied by the latter—but his reasoning is quite consistent with the necessity of an act of Parliament on this occasion, for before the commencement of the negotiation there had been an act passed to authorize the Crown to treat with the revolted colonies, and as we had *de facto* lost the territory, it was a mere release of allegiance. It was monstrous, however, to suppose that the Crown could by treaty now alienate to a foreign state, the Island of Jamaica, or the Isle of Man, or the Isle

of Wight, or the Isle of Thanet, or the Isle of Dogs. If such a power exists, it is fully executed, and the transfer takes place the moment the treaty is ratified by the Crown, so that the empire might be dismembered, and the country irretrievably ruined before Parliament was made aware of the calamity. He trusted, therefore, that to sanction the 1st. Article of the Treaty of Washington, the Government would bring in a bill which would no doubt receive the unanimous consent of both Houses.

The Earl of *Aberdeen* said, the suggestion of the noble and learned Lord was certainly deserving of consideration. Such a step, however, must be taken as the noble and learned Lord suggested, sanctioned by the other House.

The Marquess of *Lansdowne* said, there were two crimes omitted in the treaty with France, which were inserted in that with America. He should like to know the reason why such a difference existed.

The Earl of *Aberdeen*: Perhaps there was no very good reason why it should be so. The two treaties, however, had no connection with each other. The reason of the omission which the noble Marquess pointed out was this: the treaty of Amiens never having been carried into execution, it was thought prudent to renew its conditions, and the crimes now enumerated were all that were included in the former treaty. The French Government were desirous that the treaty should have been so extended; but on his suggestion, they thought it the more prudent course to commence with the limited provisions of the former treaty.

Lord *Ashburton* could assure their Lordships that there was no part of the treaty, which had received their Lordships' approbation, that he looked to with more anxiety than its possible operation on the condition of slavery. It was a barbarous system that a malefactor by overstepping what was frequently a very narrow boundary between two countries, should escape punishment. He wondered it had lasted so long. We had the satisfaction of knowing that Mr. Jay's treaty had continued in operation twelve years, and no difficulty was found to arise under it. As to any difficulty that might occur with regard to the capture of slaves, it should be recollected that the slave-holding states were 300 miles distant from our territory. Besides, this question was now settled on



perfectly fair grounds; namely, that a slave once landing on any part of our dominions could never be claimed, nor his liberty be called in question; while, on the other hand, it was understood that no attempt at propagandism should be attempted by us within the territory of the United States. He had the satisfaction of knowing that since 1783 there probably never existed more amicable feelings than those which now prevailed between the two countries. And he was sure that all wise statesmen in this country would cultivate that feeling, and he trusted it would invariably mark our intercourse for the future.

Bill read a second time.

Their Lordships adjourned.

## HOUSE OF COMMONS,

Friday, June 30, 1843.

MINUTES.] ELECTION PETITION.—From Nottingham Electors, denying the Allegations of the Petition of William Cripps and others.

BILLS. Public.—1<sup>o</sup>. Law Courts (Ireland).

Reported.—Drainage of Lands; Grand Jury Presentments Ireland (No. 2).

3<sup>o</sup>. and passed :—Pound Breach and Rescue.

Private.—Reported.—Todhunter's Divorce.

THE TOWNSHEND PEERAGE.] Mr. Greene having moved that the petition of William Henderson, agent for Lord C. Townshend, praying that the delivering of an attested copy of the bill, etc., on Thomas Clarke, solicitor to the Marquess Townshend, may be deemed good and sufficient service on the said Marquess Townshend, be taken into consideration.

The Earl of Leicester begged to make a statement to the House in reference to his own conduct, and the course he had taken in the bill now before the House. He believed, that no person charged him with any personal fault in regard to the transactions to which the bill referred, though before the bill had been considered by the committee of the other House—he had been charged with very great faults by parties whose proceedings he thought deserved reprobation. It was hardly any satisfaction to him now, after the allusions which had been made to his conduct by one or two noble Lords in another place, that they had since ascertained there was no foundation for the statements which had been made to his prejudice. He would state to the House

the reasons why he considered the bill was proceeding through Parliament at a pace so rapid that it was quite impossible for him and the other parties who would be affected by it, to defend their interests. The parties who had brought forward the bill, and who had collected the evidence on which it was founded, and on which the whole case rested, had been engaged—twelve or fifteen months in making good their case, and it could not be expected, that he should be in a condition, without time was allowed him, to collect evidence to contradict the statements of the other side, or to show the motives by which the witnesses who had been examined were influenced. It must be quite obvious, as many years had elapsed since the circumstances out of which these proceedings had originated took place, that it required long and strict investigation, and considerable time to examine into them, so as to arrive at absolute proof. His object was to induce the House to postpone the measure for a time; and he thought, looking at all the circumstances, and how materially his interests were affected by the bill, that there was no reason why this request should not be granted. In written Chancery proceedings, extending from 1813 to 1819, he was clearly defined as the eldest son and the heir to the Marquess Townshend. And it was very hard on him now, that that evidence which then existed, and which justified parties adopting that course in these legal proceedings, should be deemed altogether useless. A lady and gentleman, Mr. and Mrs. Gardner, who at that time were living, and were intimately acquainted with all the circumstances, and with the family affairs of the late Marquess, and of his family on the mother's side, were since dead, and he thought it would have been much fairer in the other party if they had had the courage to commence those proceedings at an earlier period when all the witnesses were living. The opposite side, however, had shown great tact and ingenuity, after so many years of silence, in commencing their proceedings at a time when the parties attacked had no means of defence. Down to the previous year, no kind of intimation or notice had been given to him that any such proceedings would be instituted, nor was it stated to him by any person that he had no right to the title which he possessed. This he thought was a material point, for it was

reasonable to presume, that if, previous to that time, Lord C. Townshend or any of the opposite party, had determined to carry on so systematic a course of opposition against him, some notice of that intention would have been given to him. He thought the House was bound to grant him the delay which he sought for; if not, he could not say that he had received the advantages of that open court, and fair trial which under the circumstances he had a right to expect. He was not requiring anything unreasonable, for it was not likely, at this advanced period of the Session, that the committee on the bill would have time to examine into and investigate the very voluminous evidence on which the bill was founded. It had been observed in the other House, that it was remarkable that no witnesses had been produced against the bill; but no opportunity had been afforded to bring forward evidence. He had, however, no doubt that if the House acceded to his present request, he should be enabled at a future time to submit evidence that would completely rebut the statements upon which the bill was founded.

Motion agreed to.

#### BRITISH HISTORIANS—MR. PETRIE.]

Mr. *H. Hinde* rose to inquire of the right hon. Baronet, the Secretary of State for the Home Department, whether any settlement had been made of the claims of the late Mr. Petrie, for his services in editing the collection of British historians, undertaken in pursuance of an address of this House; also to inquire whether the "large collection of materials" for that work, which was stated, in a return made to the House last year, to be still in the possession of Mr. Petrie's executors, had been transferred to the custody of the Master of the Rolls; and if not, why it had not been so transferred. Although Mr. Petrie did not in his life time receive any remuneration, yet two assistants employed under him had been most liberally paid—one having been paid 4,000*l.*, and the other 2,000*l.*;—1,000*l.* had also been paid for the transcriptions.

Sir *J. Graham* would feel sorry to speak with the slightest disrespect of the late Mr. Petrie, whose acquirements and competency to perform the work undertaken by him were undoubted. At the same time, the hon. Member must be aware of the fact that very great delay

took place in the completion of the work which Mr. Petrie undertook. That gentleman began his task in the year 1822, and he had made so little progress in it in 1836, that the Lords of the Treasury felt constrained to write to him, and to intimate to him that he must cease to consider himself as employed by the Government. However, a very large mass of very valuable and important materials had been collected by him, a portion of which was placed at the disposal of the public—the remainder, until his death, being in his own possession—and since then in the possession of his executors. With respect to that portion placed at the disposal of the public, it had been handed over, by the advice of the Master of the Rolls, to the Historical Society, who were about to edit a work exactly according to the plan of Mr. Petrie. With respect to the remaining portion of materials collected by Mr. Petrie still in the hands of his executors, he (Sir *J. Graham*) agreed with his hon. Friend that, as Mr. Petrie did not in his life-time receive any remuneration, that gentleman's executors were entitled to some compensation. Whenever any claim should be preferred by the executors, an investigation should take place to ascertain what amount of compensation was really due; and he had no doubt that the executors would be dealt with in the most fair and liberal terms.

Mr. *Williams Wynn* was the only remaining Member of the House, he believed, who was on the original commission for promoting these publications. The House would, perhaps, permit him to state generally that the labours of Mr. Petrie were for a considerable time very great indeed. Unfortunately, Mr. Petrie was a constant martyr to the gout, and for the last ten or twelve years of his life it was impossible for him to prosecute his labours. Still his natural partiality for an undertaking which he had himself suggested, prevented him from giving up the execution of it to other hands. With respect to remuneration, he could state, that it was Mr. Petrie's own express wish that no remuneration should be made to him until the commissioners, the House, and the public, were able to judge of the manner in which the work he had undertaken was executed. About ten or eleven years ago, the first volume was completed, all but the index; and he hoped that measures would be taken for completing



some of the other volumes which were in a state of forwardness, and a considerable portion of which had been printed, but unless the whole were completed, that which had been done would not only be useless, but, instead of reflecting credit upon the country, would reflect great discredit, particularly at a time when the other nations of Europe were imitating the example of such publications.

Subject at an end.

#### ENFRANCHISEMENT OF COPYHOLDS.]

Mr. *Aglionby* asked the right hon. Baronet whether it was his intention to introduce during this Session any bill to render the enfranchisements of copyhold and customary lands compulsory.

Sir *James Graham* said, that within the last fortnight, a measure had passed the House of Commons, and had been sent up to the House of Lords, giving greater facilities to voluntary enfranchisements of copyhold and customary estates. That experiment had not yet been tried, and until it had been, he was not prepared to propose a measure of a compulsory nature.

THE FACTORIES BILL.] Sir *James Graham*, in answer to questions put by Mr. *Hawes*, said, he believed that as the law existed, and as he proposed it to stand, it would be very much the same. At the present time, those who were subjected to the compulsory law were persons between the ages of nine and thirteen. It was proposed to reduce the age from nine to eight. At present children were liable to work in factories for eight hours, and to be educated at any period during the twenty-four hours. It was now proposed that the children should only work six hours and a half each day; and that they should not work both in the forenoon and the afternoon; but that the six hours and a half should either be in the forenoon or in the afternoon, and that in five days out of seven they should be educated for three hours, either in the forenoon or in the afternoon. By the present law, no notice was taken as to the place where the education was given, or as to the system of instruction that was adopted. Now, it was proposed by the present bill that the Privy Council should have the power to appoint inspectors to visit all the schools to which certificates were granted; and on receiving a report from the inspectors as

to the inconvenience of the place, or as to any objection in the method of education pursued, the Privy Council were empowered to notify to the schoolmaster the defect so reported; and unless within three months that defect should be remedied, the Privy Council would have the power of stopping the grant made to the school. He believed he had now stated exactly the extent of the alterations proposed, without omitting anything of the least importance.

NOTTINGHAM ELECTION.] The Earl of *Lincoln* presented a petition from 600 electors of Nottingham, praying that the House would vindicate the rights of the honest voters of Nottingham, as well as the privileges of the House.

Mr. *Gisborne* said, that before he called the attention of the House to the petitions which had been presented relative to the election for Nottingham, and which had been printed with the votes, he might be allowed to refer to the part he had taken with respect to those petitions. On the very day after that on which he took his seat, as Member for that Borough, two petitions were presented complaining of the return. He had never imagined that those petitions would be proceeded with. A petition from certain electors of Nottingham was forwarded to him, which he was requested to present, praying the House not to permit the petitions to which he had just referred to be withdrawn, and requesting that, in case of the withdrawal of those petitions, the House would institute an inquiry into the proceedings at the election. He informed the parties who forwarded this petition to him, that whatever might be their opinion as to the proceedings at the election, they had been called upon to appear before a legal tribunal to answer for their conduct at that election; and that until they had appeared before that tribunal, and had proved the propriety of their conduct, he felt it would not be right to proffer such a petition to the House, and under the circumstances he declined to present it. After the report of the committee had been presented to the House, he had presented those petitions to which he was now about to call the attention of the House. He was about to call the attention of the House to a borough in which the greatest abuses had for a long period prevailed at Parliamentary elections — abuses which

had been proclaimed by a committee of that House to be a disgrace to the country. He would, however, say, that two pure elections in succession had been conducted by two candidates. In the first case Mr. Walter and Mr. Sturge were the candidates; and he would say that on the part of Mr. Sturge no corruption had been practised; and he believed, that so far as Mr. Sturge was concerned, that was a pure election. In the first petition, from electors of the town of Nottingham, they set forth, that

“At the elections which took place in the months of April and June, 1841, for the said town, certain corrupt practices were carried on, which were afterwards fully inquired into and exposed by a select committee of your honourable House.”

The petitioners then proceeded to state,

“That in the month of August, 1842, an election of a Member to represent the said town of Nottingham in the place of Sir G. Larpet, who had accepted the Chiltern Hundreds, was held, and Mr. John Walter and Mr. Joseph Sturge were candidates. That at such election the said Mr. John Walter, by the expenditure of large sums of money, amounting, as your petitioners have reason to believe, to nearly 4,000*l.*, was returned as duly elected; but that petitions were presented against such return, on the ground of extensive and systematic bribery and treating on the part of Mr. Walter and his agents. That such petition were tried before a committee of your honourable House in the month of March last, and extensive bribery and treating were proved to have been practised by the agents of the said John Walter, and he was in consequence declared not duly elected; but that much more extensive, systematic, and general bribery and treating had really taken place at the election of the said John Walter than were proved before the said committee.”

He might also show how this subject had presented itself to the acute, and impartial, and judicious mind of the hon. Member for Beverley (Mr. Hogg). On the 23d of March that hon. Gentleman, in speaking on this subject, said he did not mean to state that the bribery which had taken place in the town of Nottingham was limited to the twenty-six or twenty-seven cases which the committee had reported, for the bribery and treating went considerably further than they had reported. On a subsequent occasion the hon. Member stated, that

“No case of casual bribery would have influenced his mind, as a member of the committee; but that the evidence showed that the

acts of bribery committed in this borough were not single or isolated cases.”

These words were sufficiently expressive of the opinion entertained by the hon. chairman of the committee appointed to inquire into that election. The petitioners further stated,

“The friends and partisans of Mr. John Walter the younger, and who had, before that time, been supporters of the said John Walter the elder, again resorted to a system of treating and promising money to induce the electors to vote for him, the said John Walter the younger,”

He had no doubt that the petitioners would be able to prove before that House that most extensive treating had taken place on the part of Mr. John Walter, jun. The petitioners proceeded to state,

“That after the decision of the committee, which unseated the said John Walter the elder, and before the election of the said Thomas Gisborne, several persons who had been influential and active supporters and partisans of the said John Walter the elder, and who afterwards supported the said John Walter the younger, declared their determination to win the election if possible; but that if they could not, they would petition against the return, and were resolved not to rest satisfied until they either succeeded in electing a member of their party, or procuring the town to be disfranchised. That in pursuance of such resolution, two petitions, signed respectively by Mr. William Hannay, one of the magistrates of the said town, and Mr. Thomas Hollins Smith, were prepared and sent up to your honourable House within four days of the return made by the sheriff; and that the partisans of Mr. John Walter the younger publicly boasted that such petitions were sent, and would meet the said Thomas Gisborne on his taking his seat in your honourable House.”

The next representation of the petitioners was, in his opinion, the most material allegation. The petitioners stated, that

“Immediately after his (Mr. Gisborne's) election, a commission composed of the friends of Mr. John Walter sat at an inn called the George 4th, in the town of Nottingham, whence they sent forth emissaries—many of them of bad character—to all parts of the town, among the poorer classes, offering money to induce them to give evidence of transactions which had taken place, or which were alleged to have taken place, in the course of the election,”

The petitioners complained that the other party thus endeavoured, not to find a case, but to make one; and it appeared that for six or seven weeks the commission to which he had alluded persevered in its



endeavours to obtain evidence by these means. The petitioners stated also,

"That on the trial of the said petitions before a committee of your honourable House, proof was given by several witnesses of money having been paid by the hands of the said John Douglas Cook, William Mark Fladgate, — Ratcliffe, and Edward Pilbeam Cox, to such witnesses for their having given evidence, and that, had the inquiry been further prosecuted, proof would have been adduced before such committee that, in a vast number of instances, money had been offered and paid to persons to induce them to give evidence before such committee; but the petitioners, fearful of the disclosure, hastily withdrew their case, in order to prevent such proof being given."

He now came to consider the manner in which the petitions against his (Mr. Gisborne's) return had been presented. The election—the polling—took place on Thursday, and the return was sent up on Friday; but, as the House did not sit on Saturday, the return was not made to the House. On the Monday he took his seat, and on the very next day two petitions were presented against his return. He had on a former occasion asked the noble Lord opposite (Lord Lincoln) whether he had any connection with the petitioners against his return; and the noble Lord had admitted that he was connected with the petition, that he had advised its preparation, that he had counselled its prosecution, and that by the noble Lord's advice or direction, Messrs. Clarke, Fynmore, and Fladgate, were appointed the agents for the petitioners. The noble Lord could not have heard the result of the election before Friday or Saturday, but it appeared from a statement made by Mr. Rawson, the chairman of a Conservative dinner which took place on the Monday at Nottingham, that on that day a messenger came down from the London agents with a draught of the petitions, and that at twelve o'clock on Monday Mr. Rawson had to get the petitions engrossed, in order that they might be presented on Tuesday. It was necessary, Mr. Rawson said, that that should be done, because the House adjourned on the Wednesday for the Easter recess. He thought that if any person of caution—he might almost say fair dealing—had been applied to as the noble Lord was, he would at once have said, "There is no need of this hurry. Are you sure of the case? Are you sure your opponents have been

guilty of the conduct imputed to them?" Instead of that, however, the noble Lord said, "Present helter-skelter petitions. Charge personal bribery against the Member. Charge bribery against his friends—against his partisans—against his agents, and demand a scrutiny." He wondered the noble Lord omitted the question of qualification, and that that was not made a matter of petition. The noble Lord, it appeared, determined that a petition should be prosecuted, and at once sent down the petitions to Nottingham—he had almost said with indecent haste—to be engrossed, in order that the idle boast, that a petition should meet him on his taking his seat might be fulfilled. He did not charge the noble Lord with any connexion with the getting up of evidence in support of the petitions against his return; but he must be allowed to call the attention of the House to the conduct of the noble Lord. It appeared from the noble Lord's own evidence before the Compromise Committee, that he was not present at the election in April, 1841, though he was in communication with some persons who were members of the committee; but the noble Lord, having no opposition to encounter to his own return, was present at the election for Nottingham in June, 1841, and stated that he arrived in the town on the day of nomination. The noble Lord was present at a meeting of the friends of Mr. Walter held on the day of the nomination. The noble Lord was also present at a meeting that took place on the morning of the polling day. He (Mr. Gisborne) would proceed to show what took place there, and by doing so he thought he should show what title the noble Lord had to be the person to come forward and advocate purity of election. His first witness should be a gentleman of great credit in the town of Nottingham, Mr. Hannay. This gentleman was qualified to speak on the subject of parties in the borough of Nottingham, from his long residence in the neighbourhood. The hon. Member quoted the evidence of Mr. Hannay at considerable length, to show that corruption and bribery had been practised for many years at Nottingham, particularly by the Conservative party. That was the account Mr. Hannay gave of the general state of the Conservative cause in Nottingham. Mr. Rawson, a solicitor in great practice at Nottingham, was also examined before the Compromise

Committee, and Mr. Rawson did not deny the presence of the noble Lord at a certain meeting that took place early in the morning of the polling day. It appeared in evidence, that 5,500*l.* had been spent on that election; Mr. Walter himself, who must know best, had said that 3,500*l.* was what he spent; about 2,000*l.* was spent by the other gentleman's friends; making altogether 5,500*l.* Then came a meeting at five o'clock in the morning, at which the noble Lord attended; and what said Mr. Rawson? Again the hon. Member quoted the evidence of Mr. Rawson and Mr. Hannay, to show that one election had been carried by bribery, and that at another they would not go to the poll because they could not bribe sufficiently high. He would show (the hon. Member continued) that the noble Lord was a party to that meeting, that he was consenting to that bribery; in fact, that he was urging on the meeting that that bribery and corruption should be carried still further. Failing in that from want of funds, what did the noble Lord do? He turned round on the borough and took up a petition for its disfranchisement, and that petition was given up merely because it was not convenient to prosecute it, as the House would see presently. However, with respect to this meeting, everybody in it was for giving up, except the noble Lord; he was the only person who urged that the election should be continued. Would the noble Lord get up and say he did not know how the election was to be continued—how the 5,500*l.* had been expended? Would he say he did not know that the election could only be continued by the most violent, depraved, and corrupt means? He would not; and yet for an hour and a half the noble Lord deprecated giving up the contest, and urged that the election should be continued, though it was to be so continued only by the means he had referred to; and the noble Lord himself had stated that he only gave way because he thought it wrong to involve the candidates in farther expense when their own partisans were against their going on. But what farther expense could they have been involved in? Every expense that was a legal expense had been already incurred; the hustings had been paid for, the polling clerks engaged, all other legal expenses had been determined and satisfied—what farther expense remained? None but bribery, so that in point of fact,

the noble Lord was here seen, without any disguise, engaged in corrupting the electors of Nottingham. It was manifest that the noble Lord was the party who opposed the putting a termination to that corruption; and that when he found that he could not carry the election, he said, then—

“We will put ourselves in a condition to petition, that if they have beaten us here we may turn their flank and beat them elsewhere.”

And with this view the noble Lord urged that a few votes should be polled. The noble Lord had also discussed with the meeting whether they could put themselves in such a condition as not to run any risk of recrimination. The noble Lord had told them to petition, but not to ask for the seat; then there could be no recrimination, and their man could stand again. The noble Lord, before Mr. Roebuck's committee, told them on what grounds he had acted; that Mr. Walter was the original petitioner, but that he was frightened at the expense, and at length gave it up; that then the noble Lord took it up, and appointed his own agents to conduct it. The noble Lord stated to this committee that he had done so—

“With a view of exposing the transactions in the town, and laying the whole matter before the House of Commons; and if the House of Commons should see fit, showing grounds for the disfranchisement of the borough.”

The noble Lord said he had employed Messrs. Clarke and Fladgate to get up the case, who, he said, had been recommended to him—

“As parties who had some experience in getting up cases for committees of the House of Commons.”

Such was the noble Lord's ominous phrase, and the noble Lord went on to state, that he was prosecuting the petition in concert with certain friends at Nottingham, and that one specific object of it was the disfranchisement of the borough, and that he had no personal interest whatever in the matter, but undertook it on public grounds alone. He had seen a weather-glass formed in shape of a house, on which when the sun shone, a lady stepped forth with a parasol; when the sun retired under a cloud, a man armed with a Mackintosh and a stout umbrella made his appearance. The noble Lord resembled the gay lady with the parasol. When the



sun shone on him and his party then he was all for elections; but when the sun was averted, and shining on the Liberal party, then moody discontent and disfranchisement assumed the dominion over his mind. He thought it quite depended on the state of the political aspect of things which of these characters the noble Lord should take up. But a compromise had been made. The evidence came before the committee. The noble Lord got out the facts in a way he never could have expected; and when the compromise was made, they heard no more about disfranchisement. The noble Lord on the last division having dropped all ideas of disfranchisement, voted for issuing the writ. Well, Mr. Walter was unseated. The noble Lord again wished to disfranchise. Having failed to corrupt and enslave the borough he determined to disfranchise it. He would show, also, what had been the conduct of the noble Lord with respect to the petitions. The noble Lord, on a former occasion, had said he was ready to go before a committee and give an account of each of his several election transactions, and the noble Lord had dared him to do the same. He had anticipated the noble Lord, for before a Committee of the House of Lords he had made a clean breast of his sins in this way; he had told them what was the whole amount of the corruption and bribery that he had been engaged in during his life; in fact he had never made any disguise of it. He had purchased a seat from the freemen of Stafford before the Reform Act. He might have bought one from the noble Lord's father, or any other boroughmonger in those days—he might have bought one from the Government of that time—he had had an offer of a seat on those terms from the Government. He had never had any hypocrisy about the matter; there was no danger—the bribery oath was never put at Stafford. He remembered well, on his second election, that 3*l.* a head was given for votes; and when one of his men came up to the court house to vote he said openly, “that he had got 3*l.* and should vote for Gisborne;” he remembered another who declared, “he had his money and would never sell him for 30*s.*” In short he had never had any disguise about it. If the committee should be granted him, it would be open to the noble Lord to ask him any questions he chose, and he should exercise the same privilege

with respect to the noble Lord. One question which he should put, if the noble Lord did not answer him at present, was where the money came from to prosecute the petition against him (Mr. Gisborne). However the petition having been presented, he should now proceed to show that there was not the slightest ground for it. 1,801 men had polled for Joseph Sturge in his contest with Mr. Walter, and no suspicion had been raised that any corrupt practices had been resorted to on Mr. Sturge's part. If those 1,801 persons voted for Mr. Sturge without any suspicion of corruption, it was not to be supposed that the 1839 electors who voted for him were actuated by impure motives. And there was no ground for any imputation deducible from that fact. The evidence which had been adduced before the committee in itself proved that there was no foundation for the petitions. It was clear, too, that the petitions had not been presented in consequence of information; but, on the contrary, that they had been presented at random, and he would show the House in what manner an attempt had been made to support them by evidence. A committee, amongst whom were Messrs. Fladgate and Cook, the latter a near relative of Mr. Walter, sat at the George 4th, for seven weeks for the purpose. The people of Nottingham must be very slow of apprehension, for the emissaries of the committee went about, week after week, before any person came to give information, and it was only after it was well dinned into their ears—“If you go to the George 4th, and make a statement which will give grounds for a petition, you shall receive 2*l.*”—it was only after this that persons were found who said to themselves, “We may as well go and make out something.” When he first heard of the proceeding he thought these parties were, in some measure, excusable for what he would call their folly, when such men as Messrs. Clarke, Fynmore, and Fladgate, used such means to procure witnesses to state something which they wished to have stated, wholly indifferent whether or not the statement were true. It would be seen by the evidence of William Coxon, that he received 4*l.* before coming to London, and 2*l.* before going into the witness-box, independent of his expenses to London, and back to Nottingham; and, moreover, that his maintenance in London was paid for, to-

gether with an allowance in the way of compensation for loss of time. The witness Alby, before leaving Nottingham, had a sum of 5*l.* 13*s.* 6*d.*, together with a coat, waistcoat, and pantaloons. In fact, he had no idea of the extent to which inducements had been held out, until it was discovered by the inquiry before the committee, and he treated the petition against his return with such contempt, that he did not even employ an agent until the Saturday previous to the Monday upon which it was to be heard. They should have known nothing with respect to the clothing which had been issued out to them were it not that Mr. Austen's attention had been attracted to a coat of Newmarket cut, and he requested the witness to inform him where he had procured it. It was thus by accident, that they arrived at the fact that a great quantity of clothing was placed at the George 4th, with sacks of boots and shoes, to which the witnesses had access, each to fit himself as best suited his person. The hon. Member entered into more details, to show how the petition had been got up. That was the way (he continued) the attempt had been made to back up the petition, and, after all, there was not even the semblance of evidence in support of it. If there had been any evidence, it would have been brought forward, but none could be procured. Messrs. Clarke, Fynmore, and Fladgate, had, on the failure of the first petition, set forth another, in which they admitted the payment of money to the witness, and then attempted to justify it. They stated in the commencement, that—

“In criminal matters, particularly in prosecutions carried on in the name of the Crown, the payment of money for information is openly resorted to.”

There could be no doubt that such was the fact, for the safety of society required that offences should be punished, but there was nothing in such a case analogous to the attempt of purchasing evidence to create a crime. If a dead body were found with marks of violence, it would be clear that an act of murder had been committed; but here were men paid to make a crime which was not itself apparent. He did not suppose that such arguments would come out of the mouths of any person but some pettifogging practitioner, thoroughly imbued with the air of the Old Bailey. The petitioners com-

plained, that a gross deception had been practised upon them. No doubt they expected to hear from the witness-box the same evidence which had been given at the George 4th in Nottingham, and they took their chance that such would have been the case; but if they, experienced and practical men, as they were, took for truth, the evidence given at the George 4th, they must have been the most gullible beings in existence. There were seven weeks spent in collecting the information. They should have placed some confidence in it if they considered it to be true; if they thought it false, they might have suspected it; but the fact was, they were aware of the character of the testimony, and they produced the witnesses in the hope that these latter would persist in stating before the committee what they had previously stated at the George 4th. Under these circumstances, Messrs. Clarke, Fynmore, and Fladgate, turned round on their own witnesses and said—

“Your petitioners were greatly surprised, on the trial of the said petitions, at finding that a gross conspiracy had been planned and executed by and amongst certain of the witnesses summoned on the part of the petitioners, and by and amongst other persons, to defeat the ends of justice, and that in consequence of such conspiracy the ends of justice were defeated, and the petitions were withdrawn.”

It was clear, however, that what the witnesses stated in the witness-box before the committee of the House was true, and that what they stated in Nottingham, at the George the Fourth, was false. Two of the principle witnesses had admitted to certain parties that they had previously concerted the statements which they had made at Nottingham. They had been cross-examined on the point, and that testimony had not been shaken. It had been made abundantly evident that they had arranged between them to give the evidence which had been tendered at the George the Fourth. The whole of the matter would have been exposed before the committee, had not the petition been given up. There was no redress, then, to be had in the case but by the House assenting to his motion, and that brought him to another part of the question, which he wished to submit to the consideration of the House. The hon. Member entered into some details as to the mode of con-



ducting the petition against his own return, and concluded by moving that—

“A select committee be appointed to investigate the circumstances detailed in petitions from Nottingham (presented on the 12th 21st, and 27th of June) complaining of proceedings at elections for that place.”

The Earl of *Lincoln* said, the hon. Gentleman who has made the present motion talked in the course of his long speech of his unwillingness to vapour across the Table of the House; but he has given no answer to the challenge I threw out to him on a former occasion. As to the hon. Gentleman's professed unwillingness to vapour, those hon. Gentlemen who had thought it worth their while to remain and listen to his speech, would judge how far that profession had been carried out. On the occasion I have referred to, the hon. Gentleman gave me no answer, but in the intervening time he has felt it necessary to pore through the blue-book which was the result of Mr. Roebuck's committee, and has endeavoured to represent my character in as bad a light as possible as far as regarded election proceedings at Nottingham. A more ungenerous and unfair proceeding never occurred on the part of a Member of this House. What is the motion before the House? It is a motion to the effect, that the House should take into consideration certain petitions presented on the 12th, 21st, and 27th of June. How then, could I have expected that the hon. Gentleman intended to carry back his investigation into elections long antecedent, or that one hour out of an hour and a half occupied by his speech, would have been spent in heaping charges on me, whose conduct the hon. Gentleman has chosen to characterize as neither honest nor high minded? It being the hon. Gentleman's intention to make such charges and to characterize my conduct by expressions which I believe were scarcely Parliamentary, but (at all events, I am glad the hon. Gentleman was not interrupted in the use of them), the courtesy which one hon. Member ordinarily displays towards another under such circumstances ought to have induced him to inform me that he was about to call the attention of the House to the evidence received before Mr. Roebuck's committee, to direct my attention to those points upon which he proposed to assail me, that I might be prepared with at least a refreshed recollection upon the subject. I do not, however, shrink from an investigation of that evi-

dence; but I labour under the disadvantage of having had no notice of the hon. Gentleman's intention to advert to that evidence. I have, since the commencement of the hon. Gentleman's speech, sent for the evidence taken before Mr. Roebuck's committee, but not having had time to refer to it, I can only speak from recollection; but I can state that anything more unfair than the extracts given from that evidence I never heard. The hon. Gentleman has referred to my evidence, and to the evidence of Mr. Rawson and Mr. Hannay, and has endeavoured to link together different statements without reference to dates or circumstances, so as to form one charge. In replying to the hon. Gentleman's observations, I must say, in the first place, that if I had had the slightest idea that the hon. Gentleman was about to make this attack on me, I should have requested some Member of Mr. Roebuck's committee to attend in his place, in order to make known to the House, by his testimony, what was the impression on the minds of that committee with respect to my proceedings. If the hon. Member for Bath were now present, I would appeal to him on the subject, and ask him what was his view of the case before and after his investigation. That hon. Member had been informed that I had been mixed up with transactions in Nottingham, reflecting most seriously on my character, and as the hon. Member is not now present I will only read from the evidence the first few questions the hon. Member put to me, and the answers I gave; and I wish the House to notice that these questions could have had no relevancy before the Compromise Committee unless some such impression as I have described existed in the mind of the hon. Member for Bath. The questions and answers to which I allude are these:—

“Your Lordship represents one of the divisions of the county?—I do. You are a deputy-lieutenant of the county?—I am. And in the commission of the peace?—Yes: I think your Lordship has acted as a magistrate of the county?—I have. And you are an officer in the Yeomanry corps there? I am. Did you take any active part in behalf of either of the candidates at the Nottingham election in April, 1841? I was not present at the election in April 1841.”

I repeat that these questions could have had no relevancy unless it was expected that a case would be made out against me proving me to be unworthy of the position

I held in the county. The hon. Member for Bath had been misinformed as to the part I took — misinformed by the same party, probably, as that which has instructed the hon. Gentleman on the present occasion. [Mr. *Gisborne*: “No.”] When the hon. Gentleman inquired of me what concern I had in the petition against his return, I replied that I had been asked by certain electors of Nottingham if I would advise them to present a petition against him; and the hon. Gentleman has endeavoured to prove that it was impossible for me at that time to have data on which to give an opinion. He has stated that the polling took place on a Thursday, and that a petition was presented on the Tuesday, and that it was impossible that I could have heard the result of the election until the Friday or Saturday after the polling. Now I, and almost every hon. Member in the House, heard the result of the election on the Thursday night, and in the course of Friday I was asked whether I would recommend a petition. I inquired what grounds there were for a petition, and I was told by the parties that they had the means of proving that in the afternoon of the day of polling the return of the hon. Gentleman opposite was obtained by gross bribery and mal-practices. They stated to me facts which, with my experience of Nottingham elections, and knowing the state of the poll at various hours, made me have no hesitation in avowing my conviction that the hon. Gentleman's return was produced by the means represented. These statements having been made to me, I did advise that a petition should be presented; but so far from its being true that I sent down the draught—[Mr. *Gisborne*: I did not say so.] I took particular notice of the hon. Gentleman's words, but if he did not mean to say so, I am ready to accept his explanation. [Mr. *Gisborne*: I said your agents sent it.] The hon. Member stated, that the draught of the petition had been sent down, and that Mr. Rawson had announced at a public dinner that such a petition was to be presented. Now, I had nothing to do with the draught of the petition. I simply gave my advice when asked for it, and by whom the draught was drawn up I know not. It could not have been sent down by any agent, because it was impossible there could be an agent before a petition was agreed on. The petitions were afterwards sent up in the usual form, and were presented on the day when the hon. Gentleman took his

seat, and I am quite ready to admit, that it must have been a great disappointment to the hon. Member to find the extreme readiness which existed to petition against his return. I trust, however, that the committee moved for by the hon. Gentleman will be granted, and I shall then be able satisfactorily to prove all I have asserted. The hon. Gentleman proceeded to say, that I sent down Mr. Fladgate, whom he said I had on a former occasion characterized as a good getter-up of a case. I did use that expression, and I give the hon. Gentleman all the advantage which it is possible for misconstruction to derive from any use of those words. He has characterized Messrs. Clarke, Fladgate, and Fynmore, as my agents; but if he had read the volume from which he had quoted so copiously with that case, and impartiality which he has affected, he would have seen that I was asked whether they were my agents or solicitors, or my father's, and that I replied in the negative; and on being asked why I recommended them, that I said, that having been appealed to, to recommend a solicitor to conduct the case, and having on inquiry found that Messrs. Clarke and Fladgate were acquainted with election proceedings, I recommended their employment. Until that, I never saw Messrs. Clarke, Fynmore, and Fladgate in my life. The hon. Gentleman then proceeded to say, in his usual rhetorical manner, that I presented this helter-skelter petition, charging every thing. I do not know, what the hon. Gentleman means. I simply advised, that the hon. Gentleman, having been seated by bribery, an endeavour should be made to unseat him; and how my conduct in so advising can be characterized as neither honest nor high-minded I know not. As for the hon. Gentleman's assertion, that it was unworthy of one hon. Member to prosecute another. I told the hon. Member what concern I had in the matter, and he ought to have hesitated before using such expressions. Being anxious for the fair representation of Nottingham, and being intimately connected with that town, I advised a petition to be presented against the hon. Member, when I thought the facts warranted such a petition; and the hon. Gentleman himself, having no intimate connexion with Leicester, has always been considered to have taken an active part in presenting a petition against the return of two hon. friends of mine. [Mr. *Gisborne*: I was asked to make a motion in this



House, and I did so—nothing more.] I am quite willing to accept the hon. Gentleman's statement. The hon. Member proceeded to ransack the blue book (containing the evidence given before the Compromise Committee), and endeavoured to prove that I was concerned in all the bribery and nefarious transactions which have disgraced the town of Nottingham. Now, as far as the House is ready to accept a positive denial, I am ready to give one to this statement, on my honour as a private gentleman. I wish the hon. Gentleman had given me an opportunity, as he ought to have done, of meeting his charges. It is exceedingly difficult to bring forward negative proofs to rebut the charges of the hon. Gentleman: a positive denial I have given to them; but I would have endeavoured to do something more if I had had an opportunity. The hon. Gentleman has alluded to the proceedings on the morning of the poll at the general election, and has endeavoured to prove that my advice was given to prosecute the election at that time. The expressions of the hon. Gentleman were, that "I was a party consenting to the bribery which took place, and that I urged that the election should be carried on, and not abandoned, and that it was given up contrary to my wishes—that I stated, that the election could not be carried without more money, and that more money should be spent." This I deny, and the blue book will bear out my denial. I was present at the meeting to which the hon. Gentleman has alluded. The discussion was going on when I entered the room, and my opinion was asked. I was utterly at a loss to conceive the reason why the election should be abandoned, having understood on the previous evening that there would be a majority of 300 or 400 votes for Mr. Walter; and, under these circumstances, I urged that the election should not be abandoned; but I did not urge that money should be spent. I did not urge that a single farthing should be spent; on the contrary, over and over again, long before Mr. Walter ever dreamt of going to Nottingham—nay, eight, nine, or ten years ago, I urged the party in Nottingham to fight, as it was locally called, the purity battle, and I so urged them in the hope to regain the character of the town; not only then, but also on this very occasion to which I am now adverting, I gave the advice to proceed with the election, in utter ignorance of the fact that the

electors had been outbribed in the course of the night by Sir John Hobhouse and Sir George Larpent; but when it was explained to me, that under the circumstances I have mentioned the majority of 300 in favour of Mr. Walter had been turned into as large a majority on the other side, I certainly did give the advice, that a few votes should be polled in order to lay the ground for a petition. It, however, is not true that I gave advice that such a petition should be presented as would prevent recrimination. The hon. Gentleman endeavoured to apply those extracts which he had read from Mr. Rawson's evidence as having relation to circumstances which had taken place in my presence. All I can say is, that if such an object was professed, it was not suggested by any advice on my part; and, again, I must complain of the very unfair manner in which the hon. Gentleman has throughout endeavoured to apply the evidence of others to me. The hon. Gentleman next referred in the course of his speech to the exceedingly pretty simile of a barometer, a weather-glass; and had drawn a comparison between my conduct and the variations of the barometer. The hon. Gentleman stated, that at one time I was anxious to disfranchise the town of Nottingham, and at another time to seat a Conservative Member. I admit, that I was anxious for the success of the Conservative party, and I will not deny, that I subsequently wished that the town should be disfranchised, and for this reason—because corruption had laid such inveterate hold of it, that I thought nothing but disfranchisement could effect a cure, and whether that disfranchisement were effected by the Legislature, or by each party in the borough returning one Member would be immaterial. The hon. Gentleman may laugh, but with regard to parties in this House, which are much more interested in the matter than the people of Nottingham, the election of a Member of each party would be the same as disfranchisement. Nottingham is not much interested in the question, for, as regards the local interests of Nottingham, I defy the hon. Gentleman, however many years he may continue to represent that town, to pay greater attention to those interests than I, as Member for the county, have invariably done; and I ask—nay, I challenge the hon. Gentleman to appeal to those very gentlemen who, at the dinner given to him, so grossly and so

fully maligned me and my proceedings, whether in my transactions with the local concerns of the town I have not shown the same attention to the friends and supporters of the hon. Gentleman as I have exhibited towards my own friends. The hon. Gentleman, then, in one of those flights of invective in which, throughout his speech, he so much indulged, said, that as I had failed to enslave and corrupt the borough, I ventured upon a second attempt to disfranchise it. This also I totally and entirely deny. I did not make any second attempt to disfranchise the town of Nottingham, and as to the charge of an attempt to enslave or corrupt it, I throw back the imputation upon the hon. Gentleman with scorn. The hon. Gentleman has no grounds for such a charge. No act of mine can justify such language. The hon. Gentleman has not proved the charge. I defy him to prove it. As to any attempt to enslave the borough, I know not what it means — an attempt to corrupt it is a charge that is plain enough, and easy to comprehend; but this I will say, that whatever the hon. Gentleman may have done, I deny that I have made any attempt whatever to corrupt it; on the contrary, I have used every exertion to prevent its corruption. The hon. Gentleman said, it was not for me to attempt to disfranchise the town, for, continued the hon. Gentleman, “there are no hands more impure than those of the noble Lord.” Here, again, it is useless for me to ransack the hon. Gentleman’s vocabulary of invective; the assertion can only be met by the most positive denial on my part, and by my reminding the House that the hon. Gentleman has wholly failed to prove any case against me, notwithstanding his laborious research through the pages of the blue book of Mr. Roebuck’s committee. But the hon. Gentleman then went on to state, that I returned to the attempt to disfranchise the town. My reply is, that I did no such thing. Before proceeding further, let me observe, that it has been stated in Nottingham, that the hon. Gentleman’s advice had been asked as to the petition against Mr. Walter, and at the same time it was remarked that the hon. Gentleman had done himself great honour, by the advice he had given, and that the electors were greatly indebted to him for his services. This I understand the hon. Gentleman to admit. Now, what is the grave imputation the hon. Gentleman makes against me? It is this—that

I, a Member of this House, had recommended a petition against his return, and had rendered assistance in the furtherance of that object. Be it so. The hon. Gentleman has himself done the same thing, and is he to claim all the virtue and excellence of such service to himself? What is the difference, I beg to ask, between the giving advice before the presentation of a petition and the giving advice as to its being carried on? But I challenge the hon. Gentleman to state, whether he was not as much surprised with the result of the petition as I was when I came down to the House, and when my hon. and learned Friend the Member for Beverley brought up the report of the committee. I knew the transactions which had taken place at previous elections, and, having heard the report of the committee announced to the House, I thought there must have been very different evidence adduced before the committee than I had heard out of doors or read of in the abstracts published in the newspapers, and therefore I did say, that time ought to be given to investigate the whole of the evidence before a new writ should be issued; but when the evidence was printed and an opportunity had been afforded for considering it, I took the earliest opportunity of saying that there was not ground for any further proceedings; and, therefore, that the new writ ought to issue. If, then, the course I pursued on that occasion is alleged as an attempt to disfranchise, I say the charge is unfounded. I do not admit the charge at all — neither will I deny, that I told the Committee that my object on the former occasion was to disfranchise the town. I did so because I thought the greatest boon would be conferred upon the town if I succeeded. I am perfectly aware that many may differ from me; but having seen the demoralization of the town, the failure of its trade, and the misery of its inhabitants consequent upon the system of its elections, I am firmly convinced, that I am right in my opinion. The hon. Gentleman seemed to complain of the very cruel injury which I had done his unsullied character by the introduction of the petitions to this House, and yet almost in the same breath in which he resented the imputations on his virtue which the petition against his return contained, the hon. Gentleman announced to us that he had twice purchased a seat for the borough of Stafford. [Mr. Gisborne: No; once.] Well, once. The hon. Gentleman not



only avowed that, but he also subsequently avowed, that he had afterwards endeavoured to betray the constituents he had so bought; and this the hon. Gentleman had publicly announced. The hon. Gentleman first justified the purchase of his seat for Stafford, and then, with that spirit of animosity which he had exhibited against me on account of the expense he was put to in defending his seat for Nottingham, he proceeded to say he defended the course he had taken, because he thought it a much less crime than purchasing a borough from any boroughmonger; and the hon. Gentleman concluded by stating that he might have purchased a seat from my father. [Mr. Gisborne: No, I did not.] I took down the hon. Gentleman's words. I appeal to the House, and I defy contradiction; I assert positively that the hon. Gentleman used the words, "I might have purchased a seat from the noble Lord's father." Now, I tell the hon. Gentleman that he might not have purchased a seat from my noble father, and I will tell him why. My father never sold a seat in Parliament in his life. My father certainly inherited property in two boroughs, and during the time they were in his possession he invariably, under the form of the then constitution, did return four Members to the House; but, instead of receiving money for the seats, he himself spent such money as was necessary for the expenses of returning those Members. I think hon. Members may, from this single parenthetical statement, form an opinion of the spirit in which the whole attack has been made by the hon. Gentleman upon me. I have no hesitation in giving to this assertion of the hon. Gentleman's the most direct contradiction. I give the same positive contradiction to the charges derogatory to my character which the hon. Gentleman has brought forward. If the House shall please—as I trust it will—to grant the committee sought for by the hon. Gentleman, I shall be ready to enter into a further investigation and to give any explanation that may be called for. I will not trouble the House with any further observations upon the part of the case to which the hon. Gentleman devoted so much time, especially in his attack upon me. I regret that he has done so, because I do feel that it is irksome for any Member, however attacked, to occupy the time of the House on matters personal to himself, and still more so to one who, like myself, so seldom addresses the House, and

who has now been called upon to listen to an attack of an hour and a half's duration, and to reply to a series of criminary topics. I will only add that if I have omitted any points upon which I have been assailed, I hope the House particularly under the circumstance of that attack being unexpected, will not think that I desire to shrink from any defence here, or investigation elsewhere. Dismissing, therefore, that part of the case, I now proceed to that which forms the groundwork of the motion of which the hon. Gentleman has given notice, and which I thought would alone have occupied the attention of the House. With all his ingenuity, the hon. Gentleman will hardly attempt to mix me up in those charges, unfounded, as I believe they are, and as I hope to be able to show, except so far as he has done by representing that all the evils which have arisen were justly chargeable upon me, because I advised the presentation of the petition. The hon. Gentleman stated, that the people of the town of Nottingham were justly indignant when they heard the petitions had been presented. The hon. Gentleman spoke of the petitioners as weak and unprincipled men. The hon. Gentleman delights in hard words, which he throws about without much regard to consistency. He attacks three gentlemen (with one only of whom, Mr. Hannay, am I personally acquainted, and that gentleman, weak as he is represented to be, has proved his strength against the hon. Member, and that may have led him to call that gentleman unprincipled, although he is known to be, and I believe him to be, as honourable a man as any in the town of Nottingham), he attacks, I say, three gentlemen, Mr. Hannay amongst them, as weak and unprincipled, and yet, in another part of his speech, he characterizes Mr. Hannay as a man of the greatest consideration and the highest character. He abuses him at one time, and extols him at another, just as suits his own temporary purpose. But the hon. Gentleman spoke of the indignation which had been aroused by the presentation of the petitions—that anything more frivolous had never been got up—that they had been presented without any serious intention of being prosecuted—and that, though emissaries had been sent out to obtain evidence, it could not be obtained, and the people were quite confident, until they were prosecuted, that the petitions would be abandoned. Why, if that were the case,

did not the hon. Gentleman apply to the committee to have the petitions voted frivolous and vexatious? It is not enough for the hon. Gentleman to state that no election committee ever found a petition frivolous and vexatious, for this statement he was obliged to amend, and to say that no such instance had happened under the new law. Let the House and the hon. Gentleman remember, that the new law had been but a very short time in operation. In my recollection there have been cases in which petitions have been voted frivolous and vexatious. The Ipswich case was one instance. At any rate, it would have cost the hon. Gentleman nothing to have asked the committee to find the petition frivolous and vexatious. It is possible that the committee would have considered such an application, but the hon. Gentleman's own counsel, knowing that their case was not defensible—were but too happy that the petitions should be abandoned, and, therefore, gladly accepted the abandonment. [Mr. Gisborne: That I totally and entirely deny.] The hon. Gentleman may deny it if he chooses; but if this committee is granted, as I hope and trust it will be, it will be proved that the hon. Gentleman's counsel jumped at the offer, and were but too happy to have the petitions abandoned and not to ask for their costs. The hon. Gentleman next observed that the petitions had not been grounded on the evidence of Mr. Albey, Mr. Whitehead, and so forth; but that it had been collected in a manner which he deprecated. Now, the hon. Gentleman must know perfectly well that the only course that can be pursued in such cases is, first, to get a general notion as to whether bribery has or has not been practised, and then, when the petition has been presented, to collect evidence to support the allegations of the petition. But the hon. Gentleman then proceeded to state that a commission, as he was pleased to call it, had gone down to Nottingham, consisting of "Mr. Cook, a near relative of Mr. Walter, and of Mr. Fladgate, the agent of the noble Lord opposite." Now, in the first place, Mr. Cook is no relative of Mr. Walter at all; and in the next place, Mr. Fladgate is no agent of mine. When I say, that Mr. Fladgate is no agent of mine, I beg the House to understand that I do not mean by disavowing him as an agent to cast any imputation on his character. I wish not to be understood by the disavowal as conveying anything at all

derogatory to the characters either of Mr. Fladgate or of Mr. Cook; on the contrary, I firmly believe that neither of them has done anything either discreditable, illegal, or unbecoming the character of gentlemen. The hon. Gentleman next arrived at that part of his case, to which I had expected he would have exclusively confined himself—namely the payment of certain voters for the purpose of procuring evidence. Of course, upon this point I am only able to give a contradiction as I am informed by others; but I am constrained to believe that no money was given to procure evidence at all. True, money was given to witnesses, but how given? Why, exclusively, as I am informed, for the loss of time whilst attending to give their testimony. I believe that no witness had more than 5s. per day, and that none received more than 1l. in all. I am instructed to deny—and I firmly believe the denial—that any money was given either for the purpose of a reward for previous perjury, or as an inducement to a witness to state any fact. I am further told, that so far from this being carried to any extent, that the whole sum that was paid to 100 witnesses for their loss of time in giving evidence did not amount to 60l. I think that one fact alone would be conclusive as to the charge brought forward by the hon. Gentleman. The hon. Gentleman has alluded to a statement made by one of the witnesses, that he was promised 10l. if he would make a good statement, and 20l. or 30l. if he would make a very good statement. The hon. Gentleman would have acted more fairly, when stating this part of the case, if he had stated also that it was most positively denied by all concerned. I do not believe, that the statement was ever made to this man at all; but, if it was made, it must have been made by some parties who were not employed to obtain evidence, and was unauthorised. The hon. Gentleman has expressed his firm conviction that the evidence given by these witnesses in London was perfectly true, and that which they gave at Nottingham was false. Now, I can only put my conviction against that of the hon. Gentleman. My conviction is, that the evidence given at Nottingham was true, and that that given in London was utterly false. I am much inclined to think that a very different interpretation may be put upon these conflicting statements from that put by the hon. Gentleman. Is the hon.



Gentleman prepared to state that none of these witnesses were tampered with either in Nottingham, or in London, by his friends? Is he prepared to state that none of his friends offered to give them larger sums than they were promised, if they would give false evidence in London? Is he enabled to state that none of his friends were employed to deter these witnesses from coming forward, and that a system of intimidation was not pursued, to prevent their coming forward at all—whether they were not threatened with loss of employment, and whether Newgate was not held out to them for giving testimony of their own misdeeds, and personal violence threatened? As to this statement about the sackful of clothes, certainly, I for one do not justify that gift. I am told that none of the agents of the petitioners were concerned in this at all; but that a zealous Conservative friend did give clothes to some of the witnesses, many of them being in the lowest condition of life, even in rags, and not, as this zealous friend thought, in a state fitting to appear before a committee of the House of Commons. I certainly think it would have been much better that they should have appeared in their usual garb. But I am told, that the exact amount for all these clothes, given to sixty-five witnesses, amounted only to 13*l.* 15*s.* 8*d.* Now, I hope, I have gone through the statements of the hon. Gentleman, and the main facts of the case. I was anxious, if possible, to have seconded the motion of the hon. Gentleman. I could not, of course, make up my mind until I knew the exact form in which he would put his motion; and following up his conduct with respect to his attack on myself, he did not, as is the usual practice, put on the books the exact terms of his motion. But, if now I move an amendment, it is simply to extend the inquiry a little further. I can only say, in conclusion, that I am anxious for this inquiry on account of the gentlemen who have been attacked by the hon. Member; and I am additionally anxious for it, now that the hon. Member endeavours to mix me up in transactions derogatory to my character. I am most anxious for the investigation; and I only trust that those who have courted and braved this inquiry, may pass through the ordeal with as little to reflect on their character through the whole of the transactions, as I am perfectly convinced will be the case, not only with myself, but with those whom the hon.

Member has attacked. I beg to move as an amendment:—

“That a select committee be appointed to inquire into the transactions connected with the late elections for the borough of Nottingham, and with the petition presented in consequence of the returns for the borough of Nottingham.”

Mr. *C. Wood* as he had had the honour of being the chairman of the Nottingham committee out of the proceedings of which part of these transactions had arisen, thought it due to the committee to make a few observations, because in one of the petitions the conduct of that committee had been impugned. And although the noble Lord did not impugn the conduct of that committee, he yet spoke of the statement contained in that petition, which if true, reflected on the committee. The noble Lord seemed to hint, that the committee ought to have made up a report which would have induced the House to ascertain whether these witnesses had been tampered with or not. With regard to the question whether these witnesses had committed a gross fraud on the petitioners, he had not the slightest doubt in the world that they did commit a fraud on the petitioners, they stated so distinctly in the evidence; but it was no part of the concern of the committee to attempt to ascertain this. It was utterly impossible that the committee or the House could in any way punish them for the fraud on the petitioners. No doubt, if the committee had been of opinion that the witnesses had committed perjury before them, it would have been their duty to report their conduct to the House. He would only say that the thought of the witnesses having committed perjury had not crossed the minds of any of the committee. The witnesses stated distinctly that they went before the Gentlemen who sat at the George the Fourth for the purpose of telling a lie; they stated that they communicated together beforehand, for the purpose of concerting a lie, and they told their friends that they had done so. God forbid that he should palliate or excuse such a proceeding. The question before the committee was, whether the witnesses had perjured themselves before the committee? His conviction was, and he was sure that he spoke the opinion of the committee generally that the witnesses had not perjured themselves before the committee but had told the truth; and all the cross-examinations

to which they were subjected did not in the least degree tend to shake the belief of the committee as to the truth of what they stated. An attempt was made to shew that the witnesses had been tampered with. What the fact might be it was not for him to say; but the attempt to show that they had been tampered with had entirely failed. It was suggested in two or three instances that they had had consultations with the agents of the opposing party. So far as the examinations went, the proof of this had entirely failed; so far, therefore, as the allegations in the petition went, that either the committee did not perform its duty in not bringing the witnesses before the House for having committed perjury, or for not making a statement of the witnesses having been tampered with, there was no evidence to induce any Member of the committee to believe that there was any foundation for such a statement. The committee were of opinion, that improper practices had been resorted to at Nottingham for the purpose of obtaining evidence. That was the unanimous opinion of the committee. The committee certainly felt that it would be improper in them to report parties without giving them an opportunity of defending themselves before it. The committee had not the power of calling the parties before it, and as soon as the petition was abandoned, the functions of the committee ceased, and its power of examination ceased, and consequently, the committee did not report its opinion as to any parties whatsoever. He was perfectly ready to say, that no evidence given before the committee necessarily inculcated the agents of the petitioners. It was distinctly in evidence before the committee that sums of money were offered by parties, he did not say with the sanction of the agents, in proportion to the value of the evidence given—that application was made from time to time to the witnesses—that they distinctly stated that they never should have given this evidence but for the inducements held out to them, the committee thought, therefore, that it would best discharge its duty by moving that the evidence be printed, stating its unanimous opinion that circumstances which led to the commission of improper practices had taken place at Nottingham for the purpose of procuring evidence. He was exceedingly glad that this committee was moved for, for if evidence was

to be procured in this way it was exceedingly objectionable, and he thought it very right that such an inquiry should be entered into. He would not go into the question whether the petition were frivolous and vexatious; he would not undertake to say that; the principle on which costs were withheld was not a good one; whatever opinion he might have upon that question he thought it better to reserve till another opportunity. He only thought it right to state to the House the motives which had influenced the committee, and to show that it was not liable to the imputations made against it in the petition, and which were alluded to by the noble Lord.

Mr. Gisborne and the Earl of Lincoln again severally addressed the House confirming their respective statements.

Sir *R. Peel*: Sir, I know nothing whatever of this case but what I have heard in the course of this debate. I find that the parties in these transactions appear willing that an inquiry should be instituted into them. But I wish to call the attention of the House to the nature and effect of the precedent they would establish by agreeing to the motion. In the first place, would it be just to those hon. Gentlemen who may have gone through the ordeal of defending their seats, and have succeeded in defending them, that a petition should be presented after an adjudication by a tribunal appointed for the purpose by the House? Will it be right for the House to permit another committee to be appointed, not under the same sanctions, and not possessing the same powers, to inquire again into the matters of an election already decided upon? It is well to remember, that every hon. Gentleman might then be liable, after having by evidence upon oath succeeded in vindicating his seat, to another inquiry. I think it is of importance not to exclude any inquiry into improper proceedings which do not bear upon the tenure of the seat. No one is more anxious than I am for every inquiry; and that in this case the parties themselves are anxious for inquiry is quite clear. I, therefore, can have no other motive than to call the attention of the House to what may be the consequences of establishing such a precedent as this. A petition has been presented and referred to the committee; and that petition specially intreats the House to institute a strict and rigid inquiry by a committee of the House into



the corrupt practices of the last two elections for Nottingham—not the last only, but the preceding. Every Gentleman then may consider to what he is liable, and what security he may have for his seat. Such an inquiry may be called for when he has not the means of disproving the allegations made against him, and that after he may have gone to great expense in defending his seat. I would ask hon. Gentlemen—those who would scorn to hold their seats by bribery—whether through animosity, even after an election petition may have been adjudicated upon, they might not be subjected to great inconvenience by the reception of a second petition, in which the petitioner would declare himself ready to prove bribery? If this House lightly consents to appoint a second committee, hon. Gentlemen, who hold their seats not by bribery, but by the free-will of their constituents, may be subjected to the most harassing annoyances. And observe this—the committee is to collect its evidence at the public charge. There is no limit, of course, to the number of witnesses or to the duration of the proceedings. The public must pay the cost, and there is no check as in cases where private rights are to be determined, where there is a check upon the number of witnesses and vexatious proceedings by the parties being compelled to pay expenses. Such an inquiry might extend over several years, and the public would have to bear the cost. If there were any charge not immediately connected with the subject before the committee of the election, if there were any tampering with witnesses, I for one should be unwilling to exclude inquiry into it. But I do think that there ought to be some consideration of the objects to which this inquiry is likely to lead, that some definition of the time over which the inquiry is to extend ought to be given; and that some information should be afforded to the House as to what are to be the particular subjects of inquiry. If a petition had been presented against the return of the hon. Gentleman after he had established his right to his seat, and that second petition should charge the hon. Gentleman with corrupt practices, and say that the petitioners were ready to establish that which they could not before prove, I never would consent to that second inquiry. I think it would be most unfair to subject the hon. Gentleman to a second ordeal after

having passed a first. If we were to put this case on inquiry at the instance of the hon. Gentleman, I do not know how other hon. Gentlemen might be affected. I hope the hon. Gentleman will take a little time to consider what is to be referred to the committee, what is the specific object of inquiry? By the adoption of this precedent, however, those who have opposed corrupt practices, and provoked hostility in some boroughs where such practices formerly prevailed by the determined manner in which they set their faces against them, such hon. Gentlemen—the very best Members in the House—may incur the risk of their seats, or, at the least, be subjected to great inconvenience and annoyance. Conceiving it to be a public duty in the position I hold to call the attention of the House to the nature of the precedent this motion would establish, I would, in addition, suggest to the House whether it would be just to adopt a practice which would affect the comfort or interfere with the independence of Members of this House.

Mr. *T. Duncombe* said, that supposing the whole of these allegations to be proved, what was the House to do? It was admitted that the petition was got up in that sort of way which his hon. Friend had stated, and that there had been corrupt practices at Nottingham. No doubt there were corrupt practices and gross bribery always, and at all elections at Nottingham. One of these petitions referred to a former petition. But before he referred to that point, he would say, that although some of the hon. Member's expressions were rather strong, yet he was not surprised at the fact, when he considered how really frivolous and vexatious were the objections to his return. It so happened, that he had been at Nottingham at the time of the election, and really from what he could judge, he never saw less evidence of bribery than at that contest. He had said so at the time. He believed that election was one of the purest elections that had ever taken place in Nottingham. He remembered reading it stated as one evidence of bribery, that the sitting Member had absented himself from the poll between eight and nine o'clock, he being at that time in a minority, and the other party sixty or seventy a-head. The tide turned soon after, on which it was said, "Oh! Mr. Gisborne must have been bribing whilst he was

away, and that has caused the influx of Liberal voters." That was the inference drawn from the hon. Member's absence ; but nothing in point of fact could have been more absurd or erroneous, for the truth was, that Mr. Gisborne came to breakfast with him at his hotel, and during the time they were together, they never saw a single soul except the waiter. That was the fact; and before they had concluded their breakfast a message was sent up to Mr. Gisborne, telling him to come to the hustings, for some of the electors fancied that he was not treating them with sufficient respect. So, on hearing that there was a complaint about it, Mr. Gisborne left his breakfast and went to the poll-booth too. That all these charges should have irritated his hon. Friend he was not at all surprised ; nor could he be surprised that he had that night used some rather harsh terms in addressing the noble Lord ; for, as he had said before, never was there a petition more truly frivolous and vexatious. The hon. Member had called the attention of the House to the character of the petitions which must be referred to this committee, and particularly to the petition of a Mr. Edward Pillbeam Cox. Looking at all the facts the hon. Member continued and concluded, he must say that he thought it would be better to bury the whole matter in oblivion than to re-excite such an angry contest. The last election, as he said before, had been comparatively pure, and he did hope that before future elections the people of Nottingham would have seen the error of their ways, and would have decided on foregoing all such disgraceful doings. What could be done if the committee were appointed he really did not know, but he did hope that, appointed or not, his hon. Friend would take time to consider what the right hon. Baronet had so wisely suggested.

Mr. *Wallace* thought that so long as both the factions in that House supported bribery and corruption in the unfortunate manner in which they now supported and backed it, so long they would encourage repeal in Ireland and Rebecca and her Daughters in Wales.

Mr. *F. T. Baring* felt the force of the objection which the right hon. Baronet had taken as to the re-trial of cases already settled. There was, however, one point which had been brought forward by the hon. Member for Nottingham, and which had also been referred to by the

committee, not indeed specially, but in bringing up their report, upon which he thought an observation advisable. He referred to the allegations that certain practices had existed in Nottingham with regard to procuring evidence to be adduced before the committee. Now, he did not say whether any improper practices had been carried on or not ; but certainly if such practices had been put in execution it was not only a great impropriety and deserving the reprobation of all honest men, but it was a flagrant breach and contempt of the orders and privileges of the House. Whilst, therefore, the House rejected all inquiry into practices at the elections at Nottingham, he did think that this [subject having been brought under their notice by an hon. Member who founded his motion on the report of this committee—he did think that it was not for the House under such circumstances to reject inquiry into the mode of suborning evidence. He would suggest, therefore, that the inquiry should be limited to that part of the transaction, and with that view he would move, that a committee be appointed—

"To inquire whether any witnesses before the Nottingham Election committee had been tampered with in defiance of the privileges of that House, either for the purpose of procuring evidence in support of the petition, or of deterring them from giving evidence in support of it."

The original motion and amendment having been withdrawn, Mr. Baring's motion was put.

The Earl of *Lincoln* then said, that he was sure the hon. Member for Nottingham would feel with him that neither of them was so much involved in this inquiry as the mutual friends of each. He would therefore suggest to the hon. Member that this discussion should stand over until Monday, and in the mean time they might both consult their friends as to how far a committee thus appointed would meet their respective views.

Sir *R. Peel* was sorry to differ from the noble Lord, but he really hoped the House would judge for itself. Decidedly they ought not to waive the exercise of their functions in order to satisfy any private individuals. For his own part he really saw no ground for this inquiry. He saw the hon. Member in possession of his seat—he saw him confirmed in it by the decision of a committee—he had heard



the chairman of that committee say that no perjury had been committed by the witnesses, and he really could not see the utility of appointing a committee to satisfy gentlemen out of doors—private friends of hon. Members—for whose convenience they were farther asked to forego the discharge of their duty until another day. He must say, that he did not think they would be taking a right course by doing anything of the sort. As he had said before, he knew nothing about the facts, but it was evident that a salutary lesson had been read to the electors of Nottingham; and it was also clear, from the admission of both parties, that there had been much less bribery at the last election for that borough. He admitted that he thought the hon. Gentleman's motion an improvement; but was there any matter before them sufficiently distinct for the appointment of a committee? He freely owned that in his own opinion it would be better not to institute an inquiry at all. He thought there were not sufficient grounds for it; but at the same time, if there was to be a committee, he thought that now moved for would be the better.

Mr. *Hume* said, he had been present during the whole debate, and after hearing the charge upon one side, and the explanation from the other, he could not but ask what Parliamentary grounds there were for this inquiry? He would advise the hon. Gentleman and the noble Lord, after their statement and vindication, to let the matter rest where it was.

Motion withdrawn.

THE KING OF HANOVER'S ALLOWANCE.] On the motion that the Order of the Day for the committee of supply be read,

Mr. *Hume*, in pursuance of notice, rose to move a resolution against the continuance of the Parliamentary allowance to the King of Hanover. He did not intend in any way to arraign the character of the illustrious person whose case he now brought under the attention of the House. It was impossible, however, to disguise the fact, that there were so many Members in this House connected with the aristocracy, that it was difficult to expect an expression of feeling against a person in the position occupied by his royal Highness. The only important point of objection which he had heard against the discontinuance of the allowance to his

royal Highness was, that it would be a breach of public faith. If he could think so, there was no one who would more strenuously oppose such a proceeding than himself. On the contrary, he believed that the motion he was about to make would be in strict consistency with, and fulfilment of the intention of the Legislature, which originally granted this allowance; and, consequently, that all who opposed the motion which he was about to make, would be acting in direct opposition to the intentions of that Parliament. The hon. Member referred to the terms of the vote upon the message of the Crown in 1778, when 60,000*l.* a-year was voted for the support of the King's six sons, with benefit of survivorship, which resulted in an income of 15,000*l.* a-year to his royal Highness, and to the grant, in 1806, of 6,000*l.* additional to his royal Highness. He had said on a former occasion, what he now repeated, that he was of the opinion of Mr. Fox upon subjects of this kind. Upon the 9th of May, 1777, when some royal grants were under discussion, Mr. Fox said—

"It had been always the policy of this country to make a suitable provision for the different branches of the royal family; it rendered them independent of Ministers, and bound them by interest and sentiment to preserve that constitution under which they enjoyed such pre-eminent and solid advantages."

He held, that Mr. Fox had never contemplated that the Parliament of that day had never contemplated that money should be granted to princes of the royal family when they became sovereigns of foreign countries. He held, that these grants were given to them as Members of the British royal family, sitting in the House of Lords; and when they ceased to be dependent upon the country, the grants should be discontinued. From the moment that the Duke of Cumberland became the King of Hanover, he should not have received one farthing of his pension. The question simply was, whether an annuity might not be granted for the performance of certain duties and purposes, and whether, if these should cease to be performed and accomplished, the annuity should not be discontinued also. He had seen the Duke of Cumberland leave the country with great pleasure, and had seen his return with great regret. When a pension of 3,000*l.* was the other night

granted to the Princess Augusta, what had been the answer to his representations against it? Why it was, that the Duke of Cambridge, her father, was a good man—that he attended charity dinners—that he was a popular character. Well, then, if it was fit and proper that they should vote money to a popular man, was it not, by the same rule, fit and proper that they should withhold a vote of money to an unpopular man. He firmly and conscientiously opposed this grant, and he now asked the House to agree to certain resolutions upon the subject. There had been peculiar objections found to the form in which his two previous motions upon this subject had been couched. Nothing of the kind could be urged against the present proposition. The first two resolutions were merely expressive of facts. They were, first—

“That it appears that Ernest Augustus, Duke of Cumberland, received for many years under the sanction of acts of the British Parliament, a pension of 21,000*l.* sterling from the British Exchequer, for his maintenance and support as a prince of the royal family of England; that, in the year 1837, on the death of William 4th, Ernest Augustus, Duke of Cumberland, succeeded to the throne of Hanover, and became an independent sovereign, and a member of the German confederation.”

And secondly,

“That he has been King of Hanover since 1837, and has received annually since that period the sum of 21,000*l.* sterling from the taxes of the United Kingdom.”

Then the resolution which he proposed to found on these facts, and to which he asked the assent of the House was—

“That the payment of a pension to an independent foreign sovereign from the taxes of the United Kingdom is a waste of public money, and unjust to the people of England; and, therefore, in the opinion of this House, the pension of 21,000*l.* having been granted by Parliament to Ernest Augustus for his maintenance whilst Duke of Cumberland, ought to be discontinued whilst he continues King of Hanover.”

If the House should affirm these resolutions, he would ask for leave to bring in a bill founded upon them. Let him not be misunderstood, however. If the King of Hanover should be from any cause deprived of the Crown and revenues of that kingdom, he should have no objection to vote money for his maintenance at home. Would any one deny,

that the King of Hanover was an independent sovereign, and was it consistent with justice that an independent sovereign should receive a large annual sum paid by the taxes of the people of this country? Besides, they should not pay from the Exchequer money to any sovereign, because it might enable him to act contrary to the wishes of the people over whom he was placed; and one of the great principles of sovereignty should be to make the sovereign as much as possible dependent upon the will of the people. He wished he could say, that the money which the King of Hanover had received had been well employed. He believed the reverse had been the case. But this he would say, that he did think that it was improper that this country should pay money to a sovereign, who, by his connection with the German Confederation, might become engaged in war, and aid any enemy we might have upon the Continent. If the King of Hanover were not connected with a certain political party in this country, he would not receive the support which was now offered him. It was the Ministers of the Crown who ought to bring forward a motion of this kind, as being the guardians of the public purse. He had received that day a copy of a resolution agreed to at a meeting of artisans and tradesmen, held to consider the subject, to the effect, that the amount paid to the King of Hanover yearly would support 1,050 poor families, and should be devoted to some such purpose, rather than be sent out of the country. That was the way, he could assure the House, in which the matter was considered out of doors, and that was one of the grounds on which they should not commit themselves to the continuance of the pension. He had hoped that the King of Hanover, seeing the little support which he received in his claim from the general feelings of the country, would have given up his allowance. He had hoped that some such generous feeling as that which had actuated the King of the Belgians would produce a similar effect upon the King of Hanover. The claim of the former, too, rested upon unimpeachable grounds; very different was the claim of the latter. Here was a contrast to be drawn between the two Sovereigns; but as he saw the King of Hanover reconciling himself daily to many matters which would have given him much pain so to put up with, he



could not be much surprised with his proceedings in the particular case under consideration. Now, was there anything in the King of Hanover's conduct to entitle him to this pension? If any other man had done what the Duke of Cumberland had done, he would have been arraigned for high treason. He himself had accused the Duke of Cumberland of having grossly violated military law. He had so far forgotten his duty to his Sovereign and his country, at the time when he held a Field-marshal's rank, as to take part, against the express orders of the Commander-in-chief, in promoting in the army societies calculated to give rise to disorder and disobedience. On the 4th of August, 1835, he had proposed certain resolutions to the House, which were agreed to. The hon. Member quoted some of them, for which see *Hansard*, vol. 30, third series, p. 58, and following pages. The last of the resolutions which he (Mr. Hume) had proposed upon the subject, was—

“That an humble address be presented to his Majesty, praying that he will be graciously pleased to direct his royal attention to the nature and extent of Orange lodges in his Majesty's army, in contravention of the general orders of the Commander-in-chief of his Majesty's Forces, issued in the years 1822 and 1829, which strongly reprobate and forbid the holding Orange Lodges in any of his Majesty's regiments; and also, to the circumstance of his Royal Highness Ernest Duke of Cumberland, a field-marshal in his Majesty's army, having signed warrants, in his capacity of Grand Master of the Grand Orange Lodge of Ireland (some of them dated so recently as April in the present year), which warrants have been afterwards issued for constituting Orange Lodges in the army.

The House should observe that he had not shrunk upon former occasions from bringing the conduct of the Duke of Cumberland before it. His resolutions were agreed to, and an address presented to his Majesty stating the circumstances. That address was carried up, and a message was returned to the following effect,—

“I have received your dutiful address, submitting to me certain resolutions on the subject of Orange Lodges in the army. My attention has been, and shall continue to be directed to practices contrary to the regulations and injurious to the discipline of my troops. I owe it no less to the dignity of my Crown, than to the safety of the country, and the welfare of my brave and loyal army, to discourage and prevent every attempt to introduce secret

societies into its ranks, and you may rely upon my determination to adopt the most effectual means for this purpose.”

He contended that these were considerations which ought to be taken into account when the public money was lavished upon the King of Hanover, and he called upon the House to compare the conduct pursued towards the Duke of Cumberland with that observed towards the Dorchester labourers, who were punished for the self same offence of belonging to secret associations—associations which Mr. Justice Wightman, in his charge to the jury, had characterised as most injurious to society. No part of his royal Highness's conduct when Duke of Cumberland, and resident in England, especially in connection with these Orange lodges, could be otherwise than reprobated; and as Grand Master of those lodges, he had violated not only military but civil law. He contended that, according to the Act of Parliament, the King of Hanover had no claim to the pension, for it had been granted for the maintenance of a Peer of the realm, which he had ceased to be, and had become an independent Sovereign, and a member of the German Confederation, which might any day be leagued against England. On public grounds he objected to the grant to the King of Hanover, for he would not even take into the argument the amount of distress that existed in the country, although, on that account, it ought to be a consideration with the King, whether he should take money from the people. On public grounds, then, he thought he had a right to call upon the House to support the motion, which he begged to place in the Speaker's hands. It was as follows:—

“To leave out from the word “That” to the end of the Question, in order to add the words “it appears that Ernest Augustus, Duke of Cumberland, received for many years, under the sanction of Acts of the British Parliament, a pension of 21,000*l.* sterling from the British Exchequer for his maintenance and support as a Prince of the Royal Family of England; that in the year 1837, on the death of William the Fourth, Ernest Augustus, Duke of Cumberland, succeeded to the throne of Hanover, and became an independent Sovereign, and a member of the German Confederation:—That he has been King of Hanover since 1837, and has received annually during that period the sum of 21,000*l.* sterling from the taxes of the United Kingdom:

“That the payment of a pension to an independent foreign Sovereign from the taxes of

the United Kingdom is a waste of public money, and unjust to the people of England; and, therefore, in the opinion of this House, the pension of 21,000*l.* having been granted by Parliament to Ernest Augustus for his maintenance whilst Duke of Cumberland, ought to be discontinued whilst he continues King of Hanover."

Mr. *Williams* said, if the Government had any regard to the feelings of the country, they would support the motion of the hon. Member for Montrose. When the King of Hanover resided in this country, and before he ascended the throne of an independent state, the people had not grudged him the means of maintaining his rank and station; but, having ceased to stand in the same relation to this country, he ought no longer to be a pensioner upon the people. The King of Hanover was, he believed, a despotic sovereign; for he had destroyed the constitution he found in his dominions, and he had the means of exacting as much money as he pleased from his own subjects. No just and honest dealing man could stand up in that House and justify the payment to the King of Hanover out of the taxes laid upon the people of this country. He knew the motion would be rejected, because the House of Commons did not represent the feelings and wishes of the people—if it did, they would not dare to insult the people by the continuance of this impost.

Sir *Robert Peel* said, he would state shortly the grounds upon which, on the part of her Majesty's Government, he felt it impossible to consent to the proposal of the hon. Member, and those grounds were briefly that he considered it would be inconsistent with the good faith of Parliament to withhold that pension or allowance which Parliament had granted, and to the continuance of which he thought he should show to the House, the faith of Parliament was pledged. The hon. Gentleman, at the commencement of his speech, had taken credit to himself for having on former occasions, when he brought this question under the consideration of the House, studiously avoided all reference to personal and party feelings; and he must express his sorrow that the hon. Member should, on the present occasion, have been betrayed into a departure from the salutary rule he had before observed. He thought it would have been infinitely better had the hon. Gentleman adhered to his own principle, for he did not think

the hon. Member had acted quite fairly when he introduced the transactions connected with Orange lodges into such a debate. Parliament had taken notice of what had passed with regard to those lodges, and he thought they had a fair right to consider that it was the opinion of Parliament that the transaction was closed. But subsequently to the particular vote to which the hon. Member had alluded, the attention of Parliament was in the following year called to the subject of Orange lodges, and an address was carried with the almost unanimous consent of the House, praying the Crown to exercise all its influence for the purpose of suppressing them, whether in the army or any other institution. The resolutions to which the hon. Member had this night referred, were passed in 1835, and the subject was brought generally under the consideration of the House in 1836, and a motion was made on an amendment moved by the noble Lord opposite, as the organ of the Government; and that noble Lord did not give his vote on that occasion more cordially than he did, being then in opposition. An address was passed by this House, if not with an unanimous consent, yet with a predominance of opinion, and presented to his Majesty, praying that his Majesty would be graciously pleased to take measures for the effectual discouragement of Orange lodges, and generally of all political societies, excluding persons of a different religious faith, and using signs and symbols, and acting by means of associated branches. On both sides of the House that resolution was concurred in, it being the general understanding that every effort should be made to discountenance and discourage Orange lodges. He might refer to hon. Gentlemen on this (the Ministerial) side of the House, whether at that time there were not a sincere desire to put an end to Orange lodges. Now observe what was done upon that. The noble Lord, the then Secretary of State for the Home Department (Lord J. Russell), felt it his duty to communicate to the Duke of Cumberland the resolution of the House and the address founded upon that resolution, and also the answer which his Majesty returned to that address. On a subsequent occasion, Mr. Henry Maxwell having announced that his Royal Highness the Duke of Cumberland had taken steps to put an end to Orange societies, Lord J. Russell said that he was sincerely glad



at the course which his Royal Highness had taken. It was a course in perfect accordance with his Royal Highness's sense of duty, and he hoped that the House would think that he had only done his duty in transmitting to his Royal Highness a copy of the resolution of the House, and also of the answer of his Majesty to the address founded upon that resolution. To that communication his Lordship received the following reply:—

“St. James's Palace, Feb. 26, 1836.

“My Lord—I have received your Lordship's letter with the enclosed printed copies of the resolutions of the House of Commons containing an address on the subject of Orange lodges, and other similar societies, together with his Majesty's most gracious answer. Before I had received your Lordship's communication, I had already taken steps, in conjunction with several official and distinguished members of the Loyal Orange Institution in Ireland, to recommend its immediate dissolution, in conformity with the loyal principles of that institution. I have only to add, I shall take immediate steps to dissolve the Loyal Orange Institution in Great Britain.—I have the honour to be, yours sincerely,

“ERNEST.”

“To the Right Hon. Lord J. Russell.”

Considering the notice which the House of Commons took of this subject, considering the intimation conveyed by the answer from the Crown, and by the communication to his Royal Highness the Duke of Cumberland, through the noble Lord, in 1836; and, considering the manner in which that communication was received by his Royal Highness, and his declaration, that in deference to the opinion of the House of Commons, he had taken steps for dissolving all connexion with Orange lodges, he did think it was not necessary, nor was it quite fair for the hon. Member for Montrose to make allusions on this occasion to what had passed with respect to Orange lodges. The hon. Gentleman was perfectly cognizant of these facts, when, in 1838, he brought forward this question of the allowance to the king of Hanover; and he was perfectly cognizant of them also in the year 1840; and yet his own good sense and good taste dictated to him at those times to abstain from topics which he had unfortunately introduced to-night. He knew of no one single reason why the hon. Member should now have departed from his former course. The hon. Gentleman had said, that he was

challenged by the Chancellor of the Exchequer to do so; but the hon. Gentleman must have anticipated the challenge it was quite clear, as his pockets were loaded with documents. However, he (Sir R. Peel) did not rely upon that ground, for his opposition to the motion of the hon. Gentleman. His reliance was upon the fact that the subject of the Orange lodges had been closed by the opinion expressed by the House of Commons, and by the Crown, and by the willing deference paid to that opinion by his Royal Highness the Duke of Cumberland, and very wisely paid. His (Sir R. Peel's) objection to the motion was, that he considered it to be unjust. The King of Hanover received from this country at this time 21,000*l.* That sum consisted of two annuities—one a sum of 6,000*l.* and the other a sum of 15,000*l.* The 6,000*l.* was granted in 1807 by an Act of Parliament during the lifetime of the Duke of Cumberland. [Mr. Hume: He is no longer Duke of Cumberland.] You call him so. It was an annuity granted during the lifetime of the Duke of Cumberland. The 15,000*l.* per annum was not granted at the first upon exactly the same terms. That sum until 1831 was payable to his Royal Highness with a distinct understanding and virtual engagement that it should be continued to him during his life, but it did not stand upon exactly the same Parliamentary footing as the 6,000*l.* annuity did. But in the year 1831 an act was passed which guaranteed to the Duke of Cumberland during his life the remaining sum of 15,000*l.* a year, thus making the whole sum of 21,000*l.* an annuity, not merely during the life of the Sovereign, and not chargeable upon the hereditary revenues of the Crown, but chargeable upon the consolidated fund during the lifetime of the Duke of Cumberland. In order to remove all possibility of doubt upon the subject, he would refer the House to the eleventh clause of the 1st of William 4th., being the Civil List Act, by which certain annuities to their Royal Highnesses the Dukes of Cumberland, Sussex, and Cambridge were charged during their respective lives, upon the consolidated fund. Thus the two annuities in 1831 were placed upon the same footing, and obtained the same Parliamentary guarantee. So far as Parliamentary assurance could be given, it was conferred by the act of 1831. But the hon. Member for Montrose said that these were

grants to the Duke of Cumberland as Duke of Cumberland—whereas there was no longer a Duke of Cumberland, because the Duke of Cumberland was now the King of Hanover. Now he was perfectly certain that in private life the hon. Gentleman never would resort to such a mere quibble as this. Parliament might have foreseen that the Duke of Cumberland would become King of Hanover. It might have been an oversight on the part of Parliament in not making a provision for such a contingency, but Parliament did not make that provision; and what he contended for was, that the Duke of Cumberland had a perfect right to rely upon these grants, since Parliament did not make any exception in the case of the contingency of his Royal Highness becoming King of Hanover. The country was bound by the Acts of Parliament, and the House had no right to avail itself of any supposed oversights of former Parliaments in order to deprive the Duke of Cumberland of these annuities, guaranteed to him by an Act of Parliament. But, observe, in 1831, Parliament must have calculated upon the probability that the Duke of Cumberland might be King of Hanover. It was not a remote contingency. In 1831, when the Parliamentary guarantee was given for the permanence of these annuities, the Duke of Kent was no more; the Duke of York was no more; and the Duke of Cumberland stood next in succession to the throne of Hanover, unless King William should have a son—which was a remote probability. Therefore, when in 1831 Parliament, with a full knowledge of the high probability of the Duke of Cumberland becoming King of Hanover guaranteed these annuities to him for his life, without making any exception in case of such a contingency happening, the inevitable inference must be that these matters were in the contemplation of Parliament at that time. He would put it, then, to the House whether, under these circumstances, it would be consistent with justice for Parliament now to interfere for the purpose of depriving the Duke of Cumberland of these annuities. He thought it was of infinitely more importance that Parliament should maintain its credit by an adherence to a Parliamentary engagement—that it was of much greater consequence that the credit of the Government should be upheld, and the credit of Parliament be kept entire, than that by

an act which he must consider would be one of injustice, the mere pecuniary advantage of 21,000*l.* a year should be saved to the country. The hon. Gentleman had complained of having been deserted by some of his own friends on former occasions. He (Sir Robert Peel) hoped that in the division of to-night, there being a fuller attendance than on any of those former occasions, the hon. Gentleman would find his proposition rejected by a still larger majority. The very fact of Parliament having twice before refused to interfere gave additional force to the rejection of the proposal now. He trusted that the House would reject the proposition not because they were the political adherents of the Duke of Cumberland, but because they considered the proposition of the hon. Gentleman to be unjust. He hoped the House would not consent to a proposition which was inconsistent with good faith, and if adopted would be derogatory to the dignity of the country.

Lord *Worsley* had voted against a similar motion on a former occasion, and he saw no reason for changing his opinion. He therefore could not do otherwise than oppose the motion. He would repeat what he had observed when that subject was previously before the House,—that it would not only reflect much credit upon his Royal Highness, but would be conducive to the interest of the country if the King of Hanover followed the example set him by his Majesty the King of the Belgians, and by Lord Camden.

Colonel *Verner* said, that in the several regiments in which Orange lodges were found, the Duke of Cumberland was proved to be perfectly ignorant of their existence. The hon. Member for Montrose had not substantiated a single charge which he had made against the King of Hanover. He should vote against the motion.

Mr. *Wallace* said, that having been a member of the Orange lodge committee, he could say that the most extraordinary facts came out before that committee. It might have been better not to have referred to the connexion of the Duke of Cumberland with the Orange lodges of Ireland; but the subject has been introduced already. When that Parliamentary committee was formed, the Duke of Cumberland refused to come before it to give evidence. The committee wished to examine the Duke as to the warrants—the



blank warrants which had been signed, and signed too with views inimical to the sovereign on the throne. He did not mean to say that the Orange lodges had any such intention, but the Duke of Cumberland was summoned to appear before that committee, and refused to attend. The committee had only one object to bring to light—the unconstitutional, the extraordinary, and illegal character of those societies. It was said that the Duke of Cumberland did not know of the proceedings of the Orange lodges. But did he not know that he was signing warrants, which he did, when sitting in the chair in Lord Kenyon's house? He admitted the existence of the statute to which the right hon. Baronet has referred, but the money was given to the Duke of Cumberland as a maintenance, and as he had left the country, he ought to surrender it to the public Exchequer.

Mr. *Ferrand* said, that as a Member of that House, and as an Englishman, he was not ashamed to say that he respected and honored the King of Hanover. The King of Hanover had long stood up manfully against the taunts and misrepresentations of his enemies—taunts and charges which hon. Members only dared to make behind his back. The King of Hanover had met those charges boldly in the courts of law, and he had left those courts unspotted. And who was the Member who made this attack? A Member of that House who first obtained a seat within its walls by the influence and under the patronage of the King of Hanover, and who afterwards applied to him to use his influence in order to obtain for him a seat for the borough of Weymouth. He thought the hon. Member was the last person in that House who ought to have brought forward such a motion. Why had this attack upon the King of Hanover been made at the present time? Could not our gracious Sovereign invite her own uncle to visit her? [*Cheers from the Opposition.*] What! did hon. Members opposite sneer at this? Would they deny to the Sovereign those privileges which even the humblest of her subjects might exercise? Her Majesty had invited her Royal uncle to visit her; and what had been the conduct of the hon. Member for Montrose? He firmly believed that if the hon. Gentleman had brought this subject forward as a substantive motion, every hon. Member would

have quitted the House in a spirit of just indignation. He believed that if any Englishman—and the King of Hanover was an Englishman—had a right to be defended from such an attack as the present, the King of Hanover had that right. The King of Hanover was charged with being an Orangeman; but of what were Orangemen guilty? Of loyalty to their Sovereign? He knew where, if any struggle took place, the Orangemen would be found when they were called upon to do their duty. They would stand by their Sovereign, and would preserve her Majesty upon the throne not only of England but of Ireland. They would not preach sedition, or court unprincipled villains in America and elsewhere,—men who styled O'Connell “President O'Connell.” They would uphold the Sovereignty of her Majesty as Queen of Ireland, as well as of Great Britain; and they would not betray their countrymen to such despicable creatures as those to whom he had referred. He would tell the hon. Member for Coventry (Mr. Williams), that the working classes of this country did not begrudge the pension to the King of Hanover. Those classes were far more loyal than the individuals who made such strong protestations against the extravagance, as they termed it, of the Government. They knew what it was to have the protection of an act of Parliament, and if an act of Parliament was to be passed one Session and repealed the next, at the bidding of the hon. Members professing the principles of the hon. Member for Coventry, what would be the condition of the working classes? Nothing could restore them to their former position but a return to those loyal and constitutional principles which placed the House of Hanover on the throne of these realms.

Mr. *C. Buller* was about to vote for the motion of the hon. Member for Montrose, and was desirous of stating that he did not pursue this course from any personal hostility to the King of Hanover. It was always his principle never to attack personally any individual who was exceedingly popular with the great body of those whom he might be addressing; and he observed that the conduct and character of the King of Hanover had secured the very enthusiastic regard of some hon. Gentlemen opposite. He conceived, that the grants made to the members of the Royal Family were not unconditional

grants, to be continued during the lives of the recipients, as had been stated by the right hon. Gentleman. He thought those grants stood upon this footing—that it was necessary for the nation to make honourable provision for the support of the younger branches of the Royal Family. The Crown having given up the hereditary revenues had no means of making such provision; and if they did not wish the character of the monarchy to be degraded by the situation of the younger branches of the Royal Family, it was necessary that the nation should step forward and make provision for their support. He understood that this was the ground on which these grants had always been made. The preamble of the act of 1806 recommended the granting of annuities to the Royal Dukes during pleasure. But what were the circumstances of the case now under consideration? Since the adoption of that act, the Duke of Cumberland—now King of Hanover—had been rendered independent of Parliamentary bounty. Considering the situation of the Royal family, and the inability of the Crown to provide for them from its revenues, the nation stood to the younger branches of that family *in loco parentis*. But, suppose the father of a family made provision for the support of his younger children, and one of them subsequently came into possession of a valuable estate which rendered him independent, would the parent continue his allowance to a child in such circumstances? On what ground, then, was the continuance of the grant now under consideration supported? Was it to maintain the dignity of the younger branches of the Royal family? He thought it was an unnecessary waste of money to apply it to a purpose for which it was no longer required. He did not wish to say anything offensive with reference to the King of Hanover, but he understood that monarch had exercised to the utmost extent those legal rights which he possessed by virtue of his sovereignty, that he had claimed every particle of plate, and jewellery, and money to which he had any title. Then, if his Majesty had thus acted upon the strict letter of the law, why should not they follow his example? He thought that the House ought not, on any light ground, to continue this grant. It could not be said that it was necessary for maintaining the dignity of the Royal family, or that the

faith of Parliament was pledged to its continuance. It was, in fact, giving a sum of money which the people of England would willingly bestow for the honourable provision of the Royal family, to swell the large income of a foreign prince. He must impress on the House that it was not wise to try the patience of the people too far; that they willingly supported the cost of monarchy, because they thought monarchy was, on the whole, the best form of government and worth the cost; but that they would not willingly support profligate expenditure; and if they saw any such expenditure indulged in, they would not meet it with those feelings of confiding acquiescence with which they had been used to come forward on any occasion of a grant to the Royal family.

Sir *Howard Douglas* deprecated the ungenerous feelings which led hon. Members, after two distinct decisions of this question in this House, to bring it forward again, at this particular time, to imbitter, as it would appear, the last days, and perhaps the last visit of the king of Hanover to the country of his birth, to the scenes of his youth, to pay his homage as a Peer of the realm to his sovereign, and to renew intercourse with his family and friends. It has been asked, what father of a family, who had made provision for the support of his younger children, would not withdraw his allowance from one, who should afterwards come into the possession of a valuable and independent estate. He would mention a case in point. When Greece was erected into a monarchy, and Otho selected, from among the royal families of Europe, to ascend that Throne, very considerable allowances, to be provided by the kingdom of Greece, were settled upon him, amounting to 1,000,000 of drachme a year. The king of Bavaria, his father, might have withdrawn from his son the appanage of about 10,000 sterling a year, which he enjoyed as a younger son. But the king and states of Bavaria disdained to do this, and sent Otho to Greece with his appanage untouched. This, he contended, was a case in point; it was a precedent of a kingdom, poorer than this, acting generously towards one of its princes, and it would be to the eternal disgrace of the British Parliament, and the British nation, if we, listening to the suggestions of the hon. Members opposite, make this discreditable saving, by breaking faith with the royal personage, the object of this attack.

Captain *Berkeley* said, he would not



have risen if it had not been for the great stress which the right hon. Baronet at the head of the Government had laid on the presumption that Parliament, having once given to his Royal Highness the Duke of Cumberland a certain pension, had no right whatever to take it from him. Now when he and other officers of his standing, entered the navy, their widows, if they left widows, were entitled to a certain pension. Since then, it had pleased Parliament to take away that pension from their widows, if they were left a certain sum of money. He maintained that his Royal Highness was exactly in the same situation. One sentence which had fallen from the hon. Member for Knaresborough he was rather surprised to hear. The hon. Member told the House that Ireland was now in the hands of traitors. He had believed, till he heard it from the hon. Member, that Ireland was in the hands of her Majesty's Government.

The House divided on the question that the words proposed to be left out stand part of the question. Ayes 197; Noes 91: Majority 106.

*List of the AYES.*

Acland, Sir T. D.	Christopher, R. A.
A'Court, Capt.	Chute, W. L. W.
Acton, Col.	Clayton, R. R.
Adare, Visct.	Clerk, Sir G.
Adderley, C. B.	Clive, Visct.
Allix, J. P.	Clive, hon. R. II.
Antrobus, E.	Collett, W. R.
Archdall, Capt. M.	Colville, C. R.
Arkwright, G.	Connolly, Col.
Bagot, hon. W.	Corry, rt. hon. H.
Baillie, Col.	Courtenay, Lord
Baillie, H. J.	Cresswell, B.
Baring, hon. W. B.	Cripps, W.
Baring, rt. hon. F. T.	Damer, hon. Col.
Baskerville, T. B. M.	Darby, G.
Beckett, W.	Dawnay, hon. W. H.
Bentinck, Lord G.	Denison, E. B.
Blackburne, J. I.	Dick, Q.
Blackstone, W. S.	Dodd, G.
Blakemore, R.	Douglas, Sir H.
Bodkin, W. H.	Douglas, Sir C. E.
Boldero, H. G.	Douro, Marq. of
Bothwick, P.	Drummond, H. H.
Boyd, J.	Duff, J.
Broadley, H.	Duncombe, hon. O.
Broadwood, H.	Du Pre, C. G.
Brooke, Sir A. B.	Eliot, Lord
Bruce, Lord E.	Estcourt, T. G. B.
Buller, Sir J. Y.	Fielden, W.
Burrell, Sir C. M.	Ferguson, Sir R. A.
Cardwell, E.	Ferrand, W. B.
Cavendish, hon. C. C.	Fitzmaurice, hon. W.
Chelsea, Visct.	Flower, Sir J.
Cholmondeley, hn. H.	Follett, Sir W. W.

Forman, T. S.	Newdigate, C. N.
Fuller, A. E.	Newport, Visct.
Gaskell, J. Milnes	Newry, Visct.
Gladstone, rt. hn. W. E.	Nicholl, rt. hon. J.
Gladstone, Capt.	Norreys, Lord
Glynne, Sir S. R.	O'Brien, A. S.
Godson, R.	Pakington, J. S.
Gordon, hon. Capt.	Palmer, R.
Gore, W. O.	Patten, J. W.
Goulburn, rt. hon. H.	Peel, rt. hon. Sir R.
Graham, rt. hn. Sir J.	Peel, J.
Granby, Marq. of	Pennant, hon. Col.
Greene, T.	Pollock, Sir F.
Grimston, Visct.	Pringle, A.
Hale, R. B.	Pulsford, R.
Hamilton, J. II.	Pusey, P.
Hamilton, G. A.	Rashleigh, W.
Hamilton, Lord C.	Reid, Sir J. R.
Hardinge, rt. hn. Sir H.	Repton, G. W. J.
Hardy, J.	Richards, R.
Hayes, Sir E.	Rose, rt. hon. Sir G.
Henley, J. W.	Round, J.
Hepburn, Sir T. B.	Rushbrooke, Col.
Hervey, Lord A.	Russell, Lord J.
Hodgson, R.	Russell, J. D. W.
Hope, hon. C.	Scarlett, hon. R. C.
Hope, A.	Seymour, Sir H. B.
Hope, G. W.	Shaw, rt. hon. F.
Hughes, W. B.	Sheppard, T.
Hussey, A.	Sibthorp, Col.
Hussey, T.	Smith, A.
Hutt, W.	Smith, rt. hn. T. B. C.
Ingestre, Visct.	Smythe, hon. G.
Inglis, Sir R. H.	Smollett, A.
Jermyn, Earl	Somerset, Lord G.
Johnstone, Sir J.	Stanley, Lord
Jolliffe, Sir W. G.	Stewart, J.
Jones, Capt.	Sturt, H. C.
Kerrison, Sir E.	Sutton, hon. H. M.
Knatchbull, rt. hn. Sir E.	Talbot, C. R. M.
Knight, F. W.	Taylor, T. E.
Knightley, Sir C.	Thompson, Mr. Ald.
Lascelles, hon. W. S.	Tollemache, J.
Lennox, Lord A.	Trench, Sir F. W.
Leslie, C. P.	Trollope, Sir J.
Leveson, Lord	Turnor, C.
Lincoln, Earl of	Verner, Col.
Lockhart, W.	Vesey, hon. T.
Lowther, hon. Col.	Vivian, J. E.
Lyall, G.	Waddington, H. S.
Lygon, hon. Gen.	Wall, C. B.
Mackenzie, T.	Walsh, Sir J. B.
Maclean, D.	Welby, G. E.
Mahon, Visct.	Wellesley Lord C.
Manners, Lord C. S.	Wilbraham, hn. R. B.
Manners, Lord J.	Williams, T. P.
Marsham, Visct.	Wodehouse, E.
Martin, C. W.	Wood, Col.
Masterman, J.	Wood, Col. T.
Meynell, Capt.	Worsley, Lord
Mildmay, H. St. J.	Wortley, hon. J. S.
Miles, W.	Wortley, hon. J. S.
Mundy, E. M.	Young, J.
Neeld, J.	
Neeld, J.	
Neville, R.	

*SELLERS*

Fremantle, Sir T.  
Baring, H.

## List of the NOES.

Aglionby, H. A.	Howard, hon. J. K.
Aldam, W.	James, W.
Barnard, E. G.	Langston, J. H.
Barron, Sir H. W.	Mc'Taggart, Sir J.
Berkeley, hon. C.	Marjoribanks, S.
Berkeley, hon. Capt.	Marshall, W.
Berkeley, hon. H. F.	Marsland, H.
Bernal, R.	Martin, J.
Bernal, Capt.	Mitcalfe, H.
Blewitt, R. J.	Mitchell, T. A.
Bowring, Dr.	Morris, D.
Brocklehurst, J.	Morrison, J.
Brotherton, J.	Muntz, G. F.
Buller, C.	Napier, Sir C.
Byng, rt. hon. G.	Norreys, Sir D. J.
Cavendish, hn. G. H.	O'Connell, M. J.
Chapman, B.	Plumridge, Capt.
Childers, J. W.	Ponsonby, hn. C.F.A.
Cobden, R.	Ponsonby, hon. J. G.
Colborne, hn. W.N. R.	Protheroe, E.
Colebrooke, Sir T. E.	Ricardo, J. L.
Collett, J.	Rice, E. R.
Collins, W.	Roche, Sir D.
Craig, W. G.	Roebuck, J. A.
Crawford, W. S.	Russell, Lord E.
Dalrymple, Capt.	Seale, Sir J. H.
Dawson, hon. T. V.	Smith, B.
Denison, J. E.	Stansfield, W. R. C.
Dennistoun, J.	Strickland, Sir G.
Duke, Sir J.	Strutt, E.
Duncan, Visct.	Thorneley, T.
Duncan, G.	Trelawny, J. S.
Duncombe, T.	Turner, E.
Ellice, E.	Vivian, hon. Capt.
Esmonde, Sir T.	Wakley, T.
Evans, W.	Wallace, R.
Ewart, W.	Ward, H. G.
Forster, M.	Watson, W. H.
Gill, T.	Wawn, J. T.
Gisborne, T.	Wemyss, Capt.
Hall, Sir E.	Wilshire, W.
Hastie, A.	Wood, B.
Hatton, Capt. V.	Wyse, T.
Hawes, B.	Yorke, H. R.
Heathcoat, J.	
Horsman, E.	
Howard, hon. C.W.G.	

TELLERS.

Hume, J.

Williams, W.

Main question agreed to. Order of the Day read.

Committee postponed.

The House adjourned at one o'clock.

## HOUSE OF LORDS,

Monday, July 3, 1843.

MINUTES.] NEW MEMBER SPOKE.—Baron Beauvale.

BILLS. Public.—1<sup>st</sup>. Libel and Defamation,

Committed.—Church of Scotland Benefices; Moveable Property (Scotland).

Reported.—Apprehension of Offenders (America); Apprehension of Offenders (France); Chelsea Hospital.

3<sup>d</sup>. and passed:—Sugar Duties; Apprehension of Offenders.

Private.—1<sup>st</sup>. Great North of England, Clarence and Hartlepool Junction Railway.

Reported.—Morris's Estate; Aberdeen Harbour.

5<sup>th</sup>. and passed:—Earl of Gainsborough's Estate; Mildenhall Drainage; Neath Harbour (No. 2); South Eastern, and London and Croydon Railway.

PETITIONS PRESENTED. By the Duke of Richmond, from Liverpool, against the Charitable Loan Societies Bill.—By Earl Stanhope, from Marylebone, against the Non-compliance with the Provisions of the Anatomy Act.—From the Frame-work Knitters of Derby, Leicester, etc., for Relief.—From a number of places, against the Canada Corn Bill.

## CHURCH OF SCOTLAND BENEFICES.]

The House went into committee on the Church of Scotland Benefices Bill.

Lord Campbell said, he had hoped that the noble Earl would have been prepared to have proposed some alteration in the bill, but he had given no notice of any such intention. The vote of the House of Commons that a pound note was worth twenty shillings, was nothing to the declaration of the bill as to what was the law of Scotland. There was no authority for such a declaration, and it was only founded on private letters to the Home Secretary from two out of the thirteen judges of the Court of Session—a most irregular and unconstitutional mode of proceeding. The noble Earl had certainly the power to proceed without making any alteration, and might reject the amendment he now proposed; but it would be a very violent and arbitrary proceeding to reject it. He believed if the opinions of all the judges of the Court of Session were taken, that the two judges in question would be found in a very small minority. If the noble Earl did not consent to his amendment, he trusted the noble Earl would, at a future stage of the bill, add a clause to reverse the decision of the House of Lords in the Auchterarder case, or at all events, give their Lordships the opportunity of re-hearing it. As the bill now stood, there was unlimited power of making objections upon any grounds, spiritual or not, as caprice or prejudice might suggest and the Presbytery think fit. He would propose an amendment in the following words, to be inserted in the clause giving the power to make objections against the presentee;—

“Such objection to be of a spiritual nature, or founded upon some physical defects, disqualifying the presentee for the due discharge of his duty in the parish.”

The Earl of Aberdeen thought it right again to deny, in the most positive manner, that he had any intention, or that any person with whom he had had com-



munication on the subject, had the slightest intention of impugning the judgment in the Auchterarder case. No such imagining had been entertained by any one. Quite the reverse. But when the noble and learned Lord pronounced judgment, he made an elaborate and learned speech to which he had listened with great satisfaction and much advantage, and if it were contended that every argument and illustration put forth in that speech was of equal validity, and was to be assented to with equal implicitness as the judgment itself, he must admit, he was not entirely prepared to admit that doctrine. Acquiescing completely in the judgment pronounced, he was constrained to add, that all the statements made by the noble and learned Lord when pronouncing it, could not be assented to quite as implicitly. But when it was said that this was treating the House with disrespect, and showing a disposition to disturb the Auchterarder case, he must say, he should like to know when that discovery was first made. He had brought this bill into the House three years ago; it was then greatly debated, and strongly opposed by the noble and learned Lord opposite, then on the Woolsack: but if that noble Lord, then the first magistrate in the country, had then thought that the bill was a disparagement of his judgment, and that of their Lordships, would he not have remonstrated, and urged some such objection? But the noble and learned Lord had never said, that there was any contempt towards that judgment, or towards their Lordships. The discovery, therefore, had taken him completely by surprise, and after the debates that had taken place upon the bill, when the second reading was carried by a large majority, to hear it now stated that they were insulting the House caused him much astonishment. No such intention was entertained, or ought to be inferred from what had taken place. In answer to an observation made the other night by a noble Lord opposite, he had to say, that he had no objection to the clauses following clause 1 being made enacting clauses, but in so consenting he did not understand that he was enacting any new law, because he believed such to be the law already, although he admitted it was a doubtful matter. When the noble and learned Lord (Lord Campbell) spoke of the opinions of the two judges, he (the Earl of Aberdeen) wished that

noble and learned Lord to understand that the proposition was not founded upon the private opinions of those judges, but the public judgments and speeches of the judges in the case. It was true, that for his own satisfaction, he (the Earl of Aberdeen) had consulted two learned Lords in Scotland on the subject, and had had the satisfaction of receiving their opinion. But had not the noble and learned Lord opposite himself followed the same course? Had he not, the other day, consulted the judges of Scotland with respect to the bill before the House? With all the respect which he entertained for the noble and learned Lords opposite, he must contend, that if the science of law were not altogether a farce, the judges of Scotland must be supposed to be more familiar with their own law than those noble and learned Lords. And that he said without the slightest disrespect towards them. The noble and learned Lord proposed that the objections should be of a spiritual nature, or should relate to physical defects disqualifying the presentee from discharging his duties, and had contended that those should comprise all the objections to which effect ought to be given; and the noble and learned Lord had referred to the canon law in confirmation of his doctrine. But it should be observed that the canon law had never had any great weight in Scotland, and that since the Reformation its influence had been every day diminishing. The canon law at the present day was now rather referred to as a matter of antiquarian curiosity, or for the purposes of illustration, than for practical purposes. The bill, moreover, provided for some objections not embraced in the canon law. The objection mentioned by Lord Corehouse, that a man was too much engaged in secular pursuits, was one unknown to the canon law. But that was a case of which the Presbytery must judge; the objection might be a very proper one, as in case a presentee might have to stand all day long, behind a counter, engaged in trade, or where deeply engaged in scientific pursuits; these were objections that he should say would be very properly sustained by a Presbytery. He denied that physical defects were alone in question, as embracing the whole range of objections on which the Presbytery were to give their judgment. Objections, however, which had not reference to ministerial gifts and qualifications could not be sus-

tained by the Presbytery. It was quite sufficient to this end to prescribe that all objections brought against the appointment of a particular minister to a particular parish should have reference to these subjects. He had no doubt whatever that it had been invariably the practice, from the earliest ages of the Church, that such objections should be made. This was stated over and again by the learned judges who pronounced their opinions on the Auchterarder case, of whom Lord Cunningham was the only one who said, that objections must be confined to the life, literature, and doctrines of a presentee. The authorities which had been quoted against this view of the subject, such as the book called "*Regia Majestas*" and Balfour, who wrote just at the period of the Reformation, had reference to the practice of the Catholic church, and not to that of the Presbyterian, which alone had given to the people power of objection. He thought, therefore, that there was no necessity for the limitation proposed by the amendment of the noble and learned Lord. It was already provided that the objections should have respect to the ministerial gifts and qualities of the presentee. That was a sufficient description of the nature of the objections, and a subsequent clause provided that if they had not respect to the ministerial gifts, or were founded on false or frivolous grounds, the presbytery should be bound to repel them. He must beg, therefore, to oppose the insertion of the words.

Lord Brougham rose to state the reasons which made it impossible for him to agree to the substance, and, above all, to the framing of this measure. If he were to do that—if he were not to appeal to their Lordships, and throw himself on them for protection against it, he should feel that he forfeited every claim to respect hereafter in his judicial capacity, and that he should be as unworthy as unfit to exercise those high judicial functions which, by the favour of his Sovereign, he was clothed with, and which, by the kind indulgence of their Lordships, he had hitherto been enabled to perform. Their Lordships had not often been asked to sanction—few had been bold enough to ask them to support or countenance a measure which, however intended, had the immediate, direct, inevitable tendency of shaking to its foun-

dition the ordinary administration of justice in the courts of this country. He did not blame his noble Friend opposite, he did not suppose for one moment that his noble Friend, of all men living, would countenance a measure of this kind, if he understood it, if he was a judge of it, if he was of professional and judicial habits, like those who were the subjects and victims of the measure. It was because his noble Friend, and some few of whom he might have consulted, were ignorant of those feelings, and did not sympathize with the judges, that he had been induced to countenance it. The case, which had led to such important consequences, came up from the Court of Session, and was argued by his noble and learned Friend near him, as Attorney-general, on the part of the respondents, in favour of the judges in the court below. His noble Friend entirely agreed with him as to the grounds of the decision given, and the bearing of the bill on those grounds. After hearing the case fully argued, the Peers, who had heard it, separated during the Easter vacation, and on returning they found that, without any communication with each other, and after fully considering the whole case, each had come to the same decision, and, as it happened, on the very same grounds. Judgment to the same effect was given by his noble and learned Friend in writing, and by himself not in writing, on the previous day. It was enough for him and his noble and learned Friends to say that the grounds they took, and the reasons they gave for their judgment, were impugned by the declaration of the bill. His noble Friend (the Earl of Aberdeen) said he was not bound by anything more than the judgment. Now he could not help thinking that this was not a very decorous nor even a very civil mode of treating a solemn judgment, or he might say, "You may be right in your conclusion, but you were perfectly wrong in almost every argument which you gave, by which you were conducted to that conclusion." He asked as a judicial officer, what right had any man to tell him, that of three reasons one was perfectly absurd, though the others were sufficient to support the judgment? It was said this would be an *obiter dictum*. If it was found there was any superfluous reason in the judgment, it was held to be an *obiter dictum*, even though the others were sufficient to support the judgment.



To what a strange consequence would this doctrine lead. There were two reasons. A and B, for a judgment. One now might rely on A; A would stand without B; therefore B would be an *obiter dictum*. Another man might come and say, I rely on reason B; therefore A would become an *obiter dictum*. That was absolutely the inevitable consequence of this strange inevitable doctrine of what was to be considered an *obiter dictum*. The true application of the phrase was a thing immaterial to the matter at issue, immaterial to the issue joined in law, which might be out or in, without causing any difference in the judgment. His noble Friend had referred to the opinion of the Scottish judges in deciding the case, and said to the law Peers, "You must be wrong in that reason of yours, because the Scottish judges say so and so." He confessed he was quite taken by surprise with this mode of argument; and here he must claim the attention of his noble and learned Friend opposite, as well as of his noble and learned Friend the Chief Justice of the Queen's Bench, who must suppose that all of a sudden, by some singular state legerdemain, there had been a reversal of functions and positions, that the judges of appeal had become the court below, and the court below the judges of appeal. He saw his noble and learned Friend was a little alarmed at what might happen when he was sitting in error on appeals from the Court of Exchequer or Common Pleas, or the quarter sessions. His noble and learned Friend gave his judgment; but what would be his surprise if he were told a week afterwards by one of the counsel, "Your judgment is an exceedingly good one; but the reason is not worth a straw, because we have had from the Chairman of the Quarter Sessions at Lancaster, a strong opinion, in which several other worthy magistrates coincided, that there was no occasion for giving it at all, for the law of Lancaster is totally different?" [Lord Denman: "Without hearing it argued, after it had been argued here."] Exactly so. A judge of appeal, when a cause was before him, might take one of three courses; he might either reverse the decision of the court below, or affirm it for reasons given by that court, or for totally different reasons. The law of England was made up of the reasons of judges of appeal, as well as of their decisions. If their Lordships thought

they could with impunity to the law strike out all the reasons on which a judgment had been given, or any of them, they were most fatally deceived, and would be obliged to strike out nine parts in ten of all the judgments which composed the law of England as it at present stands. His noble Friend opposite said:—"Far be it from me to intend any insult to the court, or to impeach its authority." Was it no impeachment to tell them that they did not know what they were about? What would be thought of a man who came up to another and gave him a slap on the face, saying, "Insult, or outrage, or disrespect, or the slightest incivility is the very last thing I thought of; I merely intended to get rid of a little irritation, or give amusement to some bystanders in the Court of Session in Scotland, who will be very much pleased, but as for insult or outrage, it is the very last thing which could have entered into my head?" He looked to what a man did rather than to what he intended. He was told that all the Scottish judges held a different opinion from his on the point in question. He maintained that they all, without exception, held the same opinion, that there was no difference whatever between them, and he had examined their judgments, in conjunction with his noble Friend, with a view to discover whether it were so. It was no argument at all to say that his (Lord Brougham's) reasons were wrong, and theirs right, because they said they were right. Their opinions were to be judged of by their Lordships—they were the parties who came before the House for judgment; that House was to be listened to, and not the court below. His noble Friend opposite must be aware that Lord Corehouse had been grossly misrepresented on the present question. That learned judge was quoted as having said to a noble Baron in Scotland that he entirely approved of this bill. He had received a letter from Lord Corehouse on the subject, but if it contained any approbation of this bill he had not been able to discover it. A very cursory perusal had, on the contrary, enabled him to discover that his learned and revered Friend decidedly disapproved of the bill, and considered it, as he expressed himself in a letter which he had subsequently received, as a distinct transfer of the right of patronage from the patrons to the kirk courts. The opinion which his noble

Friend quoted from Lord Corehouse, was delivered at a time when that learned Lord was incapable of bending his mind to the consideration of the question. But his opinion at present distinctly coincided with that which was attempted to be stigmatised by the unprecedented declaration of the bill. The noble Earl said that the Auchterarder decision confined the objections to "life, literature, and morals;" without including incapacity for the duties of a Highland parish, a weak voice, and other defects. Why, it assumed these: did any man doubt that if a man were deaf, dumb, and blind, he could not be appointed? Such qualifications as those the noble Earl enumerated, were assumed just as much as it was assumed that the minister was a living man, and not a corpse. He maintained that the Scotch judges supported his view of the question. But suppose they did not—what would in future happen, when their Lordships and the Scotch judges differed? Some one of the latter—some connection or friend of the minister, would write and say, "Oh, don't allow such a law to pass; 'tis wrong law;" your English judges don't understand our law, and then straightway, on this representation, the minister must introduce a bill, declaring the law, as the Scotch judges in the first instance pronounced it, and not as their Lordships decided, sitting on the judgment of the Scotch judges, as a court of appeal and correction. He did not know where this would stop; but he would tell them one consequence of it. This law might be a triumph to the Scotch judges; it might be a partial and temporary victory over their Lordships' House, as a court of appeal; it might be a step taken in the direction which some men were thoughtless and senseless and vain enough (if vanity was ever found hid under the ermine) to desire to bring about—he meant making the Court of Session supreme, and interfering with the appellate jurisdiction of the High Court of Parliament. But he could tell those Scotch judges, and those friends of theirs who were legislating under their direction, that in consequence of such acts as that now before them, they would have judgments pronounced in that House, after full hearing and great deliberation, resting on the authority and power of the House, not stating one argument or reason of those on which the judgment of the court below was affirmed or reversed;

never entering on those grounds which his noble Friend called *obiter dicta*, but which he called the most valuable part of the proceedings. He did not speak without precedent for such a change. For thirty-five years the courts of law on questions submitted to them by Chancery, certified their decisions without stating the grounds of them; and it was only within the last year and a half that they reverted to the old practice of arguing the case on the bench, having, in the first instance, departed from it on account of the manner in which their judgments were treated. But what were they about to tell the people of Scotland? That their decision was a wrong one? "Oh no," said his noble Friend; "God forbid that I should impugn the Auchterarder judgment." But did his noble Friend suppose that the people of Scotland would not see through the fallacy—the folly (he spoke it with great respect) of such a line of argument? more especially, when they saw the two judges who pronounced that judgment stand up in their places and say that this bill subverted their judgment, and that their judgment and this bill could not stand together? And what would the parties to the case say? The presbytery of Auchterarder would exclaim, "Oh, dear, we never dreamed of this. Parliament has laid down totally wrong laws, if the noble foreign Secretary and those who advise him in Edinburgh, would only have let out what he meant to do, the noble and learned Lords, who gave the decision, would have unhesitatingly given a contrary judgment." It would be most monstrous if they passed a declaratory act of this kind, and yet did not introduce any clause to say that the Auchterarder case should not be re-heard and re-determined. Were their Lordships' prepared for that? He should answer for them, they were not; but they thought to get out of the difficulty by the quibbling obstruction that the reasons of the judgment only were impugned—a course repugnant to law, common sense, and ordinary consistency. The consequence of thus acting must be to abandon all hopes of repressing and extinguishing that half political, half religious flame, which the Auchterarder decision was calculated to put down. His noble Friend had quoted the other night the opinion of the Justice Clerk. But in 1839 Mr. Hope addressed a letter, very learned and very long, to



a noble and learned Friend of his. Mr. Hope, in that letter, stated that the main provisions of the proposed bill of his noble Friend were suggested by the non-intrusion committee of the assembly. Mr. Hope then showed in detail that his noble Friend's proposal went to overthrow the establishment. He also said, that it was most alarming, and added an epithet which he should wish to avoid, and which, coming from a Friend, was most extraordinary. He (*et tu, Brute*) said his noble Friend's proposal was "most insidious." His noble Friend said, that the whole question decided in the Auchterarder case was, whether a party should be admitted to a trial. But without meaning any offence his noble Friend must permit him to say, that in this he exhibited the grossest ignorance, the most extraordinary misinformation. The decision, no doubt, was, that the presbytery should admit Mr. Young to a trial; but the whole question turned on this, whether the Veto Act was lawful or not. He had no fear of this bill becoming law, but he had that *esprit du corps* which made him wish that they should attach no stigma to their own judicial brethren. One of the wisest men, Lord Bacon, had said, that a popular judge was an odious thing. He had no great fear of "popular judges" in our times; but a restless, meddling, intriguing judge, was equally to be guarded against: a man who was not satisfied to keep within the bounds of his own jurisdiction, and one who would be much better employed in endeavouring to clear the mists which obstruct his legal functions, than to raise those mists in minds which he hoped were not open to such an influence. Supposing the declaratory words were struck out, and that it was made enactive, he still thought it an improper measure, not calculated to keep men in the Church, or to reclaim those who had seceded. He had the opinions of several friends in support of his view. One said, that Dr. Cunningham had declared, at Exeter-hall, that this bill would not induce five men to remain in the Church who were desirous to leave it. The minister of one of the largest parishes in Scotland also stated, that the only party gratified by this bill was "the forty," and there were only three of them in his parish, and in the last general assembly they could only muster fifteen. He should say, in conclusion, that everything that related to the

pure administration of justice, everything that tended to keep the judges in a position of authority and respect, without which their judicial functions would cease to be more than a name; everything which tended to bind together the members of the highest judicial body (and they could only continue to perform their duties profitably to the subject, and comfortably to themselves, while that House protected them)—everything that tended to knit the connection closer and closer, was of the highest importance to the character of the House, of the constitution, and ultimately to the stability of the British Government.

The Lord Chancellor fully agreed that those noble and learned Lords should be protected who take on themselves the laborious task of presiding over their Lordships' judicial proceedings. He was not present when the first judgment on the Auchterarder case was pronounced; but it was his duty, after he came to his present situation, to consider it when the second case was submitted. No one who had read that judgment but would say, that it was founded upon most solid and unimpeachable grounds—grounds upon which, in his opinion, it would be impossible to arrive at any other decision. The nature of that judgment was this: Lord Kinnoul presented Mr. Young to the benefice, presenting him in the first instance to the presbytery, in order that they might make trial of his qualifications. They refused him, and upon what ground? Because the majority of the congregation were dissatisfied at his appointment. This was the ground of rejection, and this ground the court below declared to be illegal, and against the statute of Anne. When the case came before this House, the judgment was confirmed, in the terms in which it had been delivered. But when he (Lord Lyndhurst) approved of this judgment, was he bound to say that the question of the qualification of parties was one which was to be interdicted to congregations to inquire into? No such statement had ever been made by him. The question was one which entered necessarily into the inquiry in the court below. The question of qualification came directly in issue, both in the court below and in the appeal to this House. So much so, that the noble and learned Lord who then sat on the woolsack commenced his judgment by inquiring what was the nature of a

qualification. He (Lord Lyndhurst) had not heard that judgment, but he had read it, and the authorities which the noble and learned Lord cited in the course of it, and he felt bound to say with regard to what was due to the station which he now filled, and with regard to his character as a lawyer, that he could not venture to pronounce a contrary opinion upon the matter of that judgment. He felt bound to say this as much for the character of himself and the noble Lords themselves, as for what was due to the judicial character of their Lordships' House. But the question now before their Lordships was of a far narrower description. This clause was not at variance, as it appeared to him, either with the judgment of his noble and learned Friend, or with any of the grounds cited by them in support of that decision. As far as related to the general question, there was, as he believed, only one point in issue in the question now before their Lordships, namely, as to the right of objecting, and not as to the right of deciding upon objections so made. The clause provided, that

“When a patron presented a minister to the presbytery, the presbytery should appoint a day on which he should preach before the congregation, after which the congregation might make any objections they thought proper against his appointment, and that the presbytery should afterwards consider and cognosce on their objections.”

With respect to assigning the limits of objections which might be made,—what should prevail, and what should be neglected,—that was a matter which their Lordships were not deciding now; they were merely called upon to decide what he believed had been the law of Scotland of all times, that congregations had full liberty to make any objections they thought proper to the newly-presented minister, and that the presbytery should afterwards decide upon those objections. To draw an analogy, this was precisely the practice in a court of justice, where a plaintiff might make any claim he thought proper, founded upon any supposed facts, and upon any supposed view of law, and the court would then decide whether the facts were true, and if true, whether the law in their judgment applied to those facts, was in favour of the plaintiff's claim. There was nothing in the Auchterarder case contrary to the declaratory clause now before their Lordships. Moreover,

he might add, that the opinion of the judges of Scotland had been asked upon this question; the bill, he believed, had been revised by the Lord Justice Clerk, and it might be considered in that respect almost as his bill. He believed that there was nothing unconstitutional or contrary to the usual practice in this proceeding. Their Lordships were aware that in this country judges were referred to when occasion required it, by their Lordships, and that bills were sometimes referred to them by her Majesty's Government, in order that they might be revised by them. Now, when this bill was laid before the learned judge, he stated it to be his deliberate opinion, that it was strictly conformable to the law of Scotland. In saying so, however, the learned judge never intended to contravene the judgment of the court of Parliament, in the Auchterarder case, nor the reasons upon which the noble and learned Lords who gave that judgment rested their decision. The learned president of the Court of Session had also read this bill, and declared that it was conformable to and consistent with the principles of the law of Scotland. Now, with these authorities before them, he would ask their Lordships whether they could have any apprehension that by adopting this clause they would be in the slightest degree contravening the law of Scotland, or casting the slightest slur upon anything which had fallen from the noble and learned Lords who delivered their judgment in this case? For his own part, if he considered that this clause in the slightest degree impeached the judgment of this House, or anything which had been said by the noble and learned Lords in delivering that judgment, he would not have supported it—but he spoke in support of it, because notwithstanding all the eloquence of his noble and learned Friends, he considered that there was nothing in it which militated against that judgment, or anything that was said in support of that decision.

Lord Brougham asked if his noble and learned Friend was prepared to support the words “declared and enacted” in the next clause? [Lord Lyndhurst replied in the negative.] This statement of his noble and learned Friend at once exposed the anomalous character of the measure they were endeavouring to force upon the House—a measure declaring and enacting a state of law as strange and unintelligible



as anything that could be found in the annals of Kamschatka; a law by which a certain authority could pass a judgment, but had not the power of carrying their judgment into execution and effect.

Lord *Cottenham* thought it an extraordinary novelty, to have a bill which should be declaratory in its first clause, and not in its second clause. His noble and learned Friend had stated in a few words the inconvenience which must result from such a state of the law. But the noble Earl opposite, on a former occasion, described his bill as a declaratory measure, and distinctly called upon their Lordships to adopt it, and reverse their decision in the *Auchterarder* case, as bad law. But the noble and learned Lord, who had just spoken, said, that he approved of and supported the judgment in that case, as well as the reasons upon which it was grounded. Their Lordships were thus called upon, in adopting this bill, to declare that to be bad law which the Lord Chancellor said was good law. But what was the authority upon which they were called upon to declare that the law, of their Lordships' own decision, in the case of *Auchterarder* was bad? It was a good law in the present state of the case, by every authority that could declare the law; and to what authority were they to have recourse in case they wished to reverse the law so declared, except to the noble Earl opposite, who had declared that he was not competent to form an opinion on the subject? Were their Lordships ever called upon to decide in so extraordinary a position of affairs? All that their Lordships had to go upon, as guides to their judgment, were certain letters from learned persons in Scotland, addressed to the noble Earl, the whole of which, however, they had not seen. He had great respect for the learned persons who had written those letters, but their Lordships, he believed, were not accustomed to pay much deference to letters from any persons. The noble Earl had read one passage from what the learned Dean of the Faculty said relative to the *Auchterarder* case. The Dean of the Faculty, speaking of the Veto law being considered in the light of a declaratory act, thus expressed himself to the following effect:—

“Conceive the absurdity of putting forth this measure as a declaratory act, when it was found that the Church would require new ma-

chinery and powers for the purpose of carrying them into effect; it was ludicrous to talk of a fundamental law as being in existence, if there did not exist the means of carrying it into effect; it could not be that a fundamental law had existed so long, and required us now to devise the means of enforcing it.”

The words of the learned Dean of the Faculty were well worthy of the attention of the noble Earl, because they applied, in every point, to the bill of the noble Earl. When next the noble Earl corresponded with this learned person in reference to his bill, he would suggest that the noble Earl should refer him to page 151 of his own decision upon the *Auchterarder* case, which showed most convincingly the absurdity of pretending to make a declaratory law, which required new provisions and machinery for carrying it into effect. The noble and learned Lord read various passages from the bill which he said declared the law to be directly contrary to what it had always been, and as it had been decided in the *Auchterarder* case? What was the nature of the proceedings in the *Auchterarder* case? The Minister was there rejected before he had been taken on trial. If this was clear, and he would ask, where and when the noble Earl found it so? [*A noble Lord*, in the act of “1690.”] He knew that the law was such in 1690, but that was repealed by the act of 1711. Now this fact came precisely as an illustration of his argument; for the noble Earl pretended by a declaratory bill to revive the law which had been repealed by the act of 1711, and by the same declaratory bill to repeal an existing statute. So much for the declaratory clause to which his noble and learned Friend said there could be no possible objection. The noble Earl said, that his noble Friend and himself were the cause of the secession, and that it was to be attributed to their erroneous opinion. If that were the case, how happened it that the noble Earl had not before now brought in a declaratory act to show that theirs was bad law? If the noble Earl had done that, he might have saved 500 Ministers from the painful necessity of retiring from the exercise of their sacred functions. Why, he asked, had not the noble Earl, two years ago, brought forward his declaratory act, and thus prevented the schism that had taken place? Why did not the noble Earl, possessed as he was of all the powers of the Government, and with all



the advantages of office to aid him, bring in his bill to amend their bad law? The ground stated, he must say, by Dr. Chalmers, was infinitely absurd, and it could not be supposed that the noble Earl could lay any stress on such an opinion. His noble and learned Friend had so clearly defined what were the grounds of the decision in the Auchterarder case, that no one now could entertain a doubt on the subject. Their Lordships had then, the opinion of his noble and learned Friend, they had his own, they had that of the Lord High Chancellor that they were correct in their decision, and, on the other side, what was relied upon? the unproduced letter of a Scotch judge. Then there was this act directly in the face of that decision: The Scotch Church claimed the unbounded right to decide every case. "Suitableness" was the ground on which they were to decide. A man was not suitable who was objected to by a majority of the parish; and by the Veto Act they put the fact in the course of being ascertained. They found that the Church had always struggled for it but various acts of Parliament had retained the right of the patrons. It ought to be recollected that Presbyterianism was not introduced into Scotland in a pure form. It was introduced connected with patronage. But it was said that this was the Dean of Faculty's Bill. He was glad of it; for he had the decided and distinct authority of the Dean of Faculty against it, in every way—he had declared that the Presbytery was the last place wherein the patronage ought to be. If it were said by the noble Earl that the bill would not have that effect, he asked what objection there could be to the amendments proposed by his noble Friend? The noble Earl would not accept these amendments; but contended for the unlimited power of the Presbytery. The first section permitted the congregation to make any objection, and those objections were to be cognosed and decided upon by the Presbytery. It was said that this only gave to the Scotch a right which they always had exercised—the right of grumbling. But surely a declaratory act was not required for that purpose. It was not, however, a mere right to complain they were to have—it was to form the part of a proceeding which was to lead to a trial. By the second section, the Presbytery were enabled to regard all cases of suitableness—what would

suit the spiritual welfare of the people, and the character as well as the numbers of those by whom an objection was made. How, he asked, was it possible to give a larger jurisdiction to the Presbytery? The third clause provided, that if the reasons were not well-founded, the Presbytery could reject them. If the rights of the presentees were to be protected—if the rights of the patrons were to be protected, the Presbytery must be told within what limits they were to act; and they must be prevented from exercising their powers when they ought not to exercise them. Why was this bill proposed? Was it to gratify the non-intrusionists? The non-intrusionists were struggling for what they considered the rights of the people, and not to give exclusive powers to the Church. Those who supported patronage objected to non-intrusion? They were asked to allay irritation by passing this law. What was to justify them in adopting this course; or what was the description of persons that they were to please? It was not to please those who supported patronage—it was not to please the non-intrusionists. No; but there were a certain set of non-intrusionists who did not like to succumb to patronage, and who did not like to give up their livings. He thought they were once forty in number, and now they were reduced to fifteen. The noble Earl once boasted of there being forty. He could make that boast no longer. These persons said—"We are non-intrusionists, and if you pass this bill, we shall keep our livings." This bill would secure them their livings; but the two great parties in the Church repudiated it. The non-intrusionists disapproved of it, and it would be strange indeed if the patrons supported it, or if they approved of a scheme which was inconsistent with patronage. The noble Earl's bill was, then, for the minority of forty, now reduced to fifteen—nay, not so much, for amongst those laymen were included. The bill was to be passed to preserve the benefices of a small number of persons. Was it, he asked, for such a purpose as this that the judicial character of that House ought to be impeached? For himself, individually, he cared as little as did his noble and learned Friend; but, then, the judicial character of that House was of immense importance to the country; particularly to Scotland. It was singular that hitherto, the decisions of that House, though made



by those not generally educated in the Scotch law, should have been looked up to by Scotch lawyers with great confidence. He was told by many persons that their decisions gave satisfaction, and were looked up to with respect by lawyers in Scotland. If that bill were to weaken the respect which the people of Scotland now entertained for the judgments of their Lordships, he should regret it very much. He believed that it would; and he conceived, therefore, that the bill would be very injurious to the people of Scotland, and prejudicial to the authority of their Lordships' House. The noble and learned Lord then referred to the opinions delivered by the Lord President of the Court of Session, Lord Gillies, Lord Medwin, and other Lords of Session, to show that the majority of them, eight, had expressly given it as their opinion that the power of the Presbytery was limited by law as closely as he had contended for. As all the remaining clauses of the bill were enacting, he did not see how it was possible for the noble Earl to ask their Lordships to consent to the declaratory part of the bill, which would overturn a decision of their Lordships. It was impossible that their judgment on the Auchterarder case could stand with the first clause of that bill. If their Lordships did not mean to retract that judgment, he trusted their Lordships would remove that clause, which was declaratory in form, but, by overturning the law, was enacting in principle.

The Earl of *Galloway* thought, that the noble and learned Lord was mistaken in saying that there was no ancient documents of authority analogous to this bill, for on looking into the early acts relating to the Scotch Church, he found that the rights of patrons to present, and of the Presbytery to examine and admit the presentee, were distinctly recognised. By the act of 1690, the patronage was restored in a limited form, and the people were called before the Presbyteries in a manner very similar to that prescribed in this bill to state their objections, and to have them cognosed. By the act of 1711 the presentation was restored to the present patrons; but in other respects the admission was to be in the same form.

Lord *Brougham* interposed to explain, that the argument in favour of the Presbytery founded on the act of Anne was overruled by the judges in the Auchter-

arder case, otherwise the decision could not have stood. That act was a very inaccurately framed act, no doubt.

The Earl of *Galloway* could not understand how this bill, which did not give an unlimited power of objection to the people, while it distinctly declared, that the Presbytery should decide upon the validity of the objections, was inconsistent with the decision of the Auchterarder case. He had no fears as to the effect of the measure, for he believed, that there were sufficient checks against any mischievous result, and in that opinion he was supported by the highest authorities. It was a remarkable fact, that Dr. *Chalmers* in 1834, when this subject was under discussion corroborated the views this measure took of the question, the right of decision by the Presbytery over that of the people, declaring that he would not be a party to the delusion, that the Church would necessarily become more Christian in constitution, by becoming more popular; for while on the one hand there might be sometimes a graceless patron, or a graceless Presbytery, on the other hand, the appointment of a minister might fall into the hands of a graceless population. It might be thought, that the reference was rather to election of ministers; but if the power of unlimited rejection were given, it would be tantamount in the end to an election. There were, however, wholesome checks upon that power, for if the decision of the Presbytery, was not satisfactory, there was an appeal to the Synod, and from that again to the General Assembly. He had no apprehension, that the alteration would work unjustly to the patron, the people, or the presentee.

The Earl of *Haddington* would not enter into the legal part of the question, which was quite unnecessary, after the speeches of the noble and learned Lord on the Woolsack. If noble and learned Lords opposite had thrown off that natural feeling they entertained with respect to their own judgment, by which he believed them to be actuated in some degree, they might have seen, from what his noble and learned Friend had said, that after all this bill might be passed without any great invasion of the arguments upon which the decision of the Auchterarder case rested. He stated his own impression. The decision in that case declared the Veto Act to be illegal. Now, the Veto Act gave the

people the right to assume the power of the Church—the right to say, “This man shall not be our minister; he does not edify us, and we won’t have him.” The Presbytery might, according to the veto law, ask the people to be so good as to state their reasons. But the people might refuse, and the Presbytery were bound to submit. That was the law, which, if he understood the matter correctly, the judgment of their Lordships had declared to be incompetent to the Church of Scotland to make. He could not believe, that this bill would make any difference with regard to the Auchterarder case. He had heard with the greatest attention the judgment of the noble and learned Lord opposite; and the impression conveyed to his mind was, that after all there was no such great discrepancy as to justify the very great sensation created on the learned Bench opposite. He rested upon the law as stated by the Lord Chancellor. The noble and learned Lord who spoke last had adverted to the estimation in which the decisions of their Lordships were held in Scotland. No doubt great respect was felt in Scotland, both by the bench and the bar, and that the people of Scotland regard the appeal to Parliament as one of their dearest rights, and God forbid that they should be deprived of it, or that their well-founded respect for their Lordships judgment should be destroyed. But it must be admitted, that the appellate jurisdiction in this case was very peculiar. The judges were those who had practised at the English bar, who had studied English law, and imbibed prejudices in favour of their own law. In like manner, those whose judgments were appealed from had passed their lives in the study of their own law, and it could not be wondered at if they too were influenced by similar prejudices. With regard to the strong language applied to one of the judges of Scotland by the noble and learned Lord opposite. [Lord Brougham.—“I said judges.”] The Lord Justice Clerk had been named by the noble and learned Lord. [Lord Brougham.—“I made a reference to his pamphlet, but he was not then on the Bench.”] The Lord Justice Clerk had been adverted to in both capacities. It happened, that that learned person was a near relative, and very intimate friend of his. He had often conversed with him on the appellate jurisdiction of that House, and he could assure

their Lordships on his own knowledge, that no man in Scotland more valued the appellate jurisdiction of that House than the Lord Justice Clerk. He had to apologise to their Lordships, and more especially to the noble and learned Lord opposite (Lord Brougham), who had burst upon him the other night like a legal tornado, and had said, that he would not condescend to argue a point of law with him, for having expressed his opinion on a legal question: in doing so he had stated what his impressions were on this question from his knowledge of his own country, and what would be the working of the bill. He had paid great attention to what had been said by noble and learned Lords on this subject, and he knew very well, that if once they began in a legal way to weigh words, which illiterate people called “special pleading,” it was very difficult to find anything which might not be tortured into something exquisitely absurd, or exceedingly mischievous by that species of verbal criticism. He was reminded by it of once having seen a critique in the early days of the *Edinburgh Review*, when stinging articles were much in vogue, and when some person undertook to prove, that by the same mode of criticism the works of the greatest masters might be proved to be absurd. That critique took up the works of Mr. Milton, and proved the *Paradise Lost*—[Lord Brougham: “The *Allegro*.”] He thought it was the *Paradise Lost*, but his noble Friend corrected him—and proved the *Allegro* absurd. The criticism of the noble and learned Lords on the third clause was of that description. The principle of the bill was, that the people should have the power to object, and the Presbytery should have the power to decide on their objections. The people ought not to have a minister forced on them not suited to their views. The noble Earl read the third clause of the bill to show that the bill was intended only to carry that object into effect. He contended, that the bill provided ample securities against any abuse of the power, either of the people or the Presbytery. If such precautions were not sufficient, applied to men of a sacred character, who were obliged to act on oath, and assign reasons for their decision, he knew not what security any enactments could provide for life or property. He was sure, if their Lordships examined the enacting clauses, they would find that ample pre-



cautions were taken to guard against the abuses of the powers of the Presbytery. It was absurd to suppose, that the delivery of one sermon could be a proper test of the fitness of a man to fill a cure, but if the presentee had been assistant in the parish for some years under the former minister, and the people having had such an opportunity of judging, should then determine, upon good cause stated, that they could not profit under that person's ministry, that would be a valid ground of objection. He considered the measure necessary to give peace to the unhappy Church. He was sorry to say, that an uncharitableness, and a bitterness of spirit had been evinced by some persons, tending to keep alive that flame which it was the object of the bill to quench. They (the Government) had a great desire to settle this question in Scotland, and to restore peace to that country. They believed the bill was not open to the objections advanced by the noble Lord; but, on the contrary, that so far from tending to gratify only some fifteen or sixteen persons of a particular party, they believed the peaceable, moderate, and well disposed persons of the Church of Scotland, without reference to their party, would be pleased to accept the bill as calculated to allay the ferment that prevailed, and restore peace to the Church and to the country.

Lord *Denman* said, it might be possible that this bill was the proper mode to settle the difference that prevailed in the church of Scotland; but if so, it should be stated truly for what it was, a new enactment, and not put forward as declaratory of a law which did not exist. All those who had attended to the discussion on the point of law on the present and on the former evening, would believe, if the point were then argued for the first time, that the judgment given in that House was right. It was, therefore, well deserving of their Lordships' grave consideration, whether it was fitting to overrule, by a political majority, the declaration of the law by the highest tribunal of this country upon one of the most important questions that had ever been submitted to judicial decision. If the noble Lord would bring forward a proposition that the appellate jurisdiction of the House of Lords in Scotch cases ought to be done away with, it would be quite fitting to appeal to the authority of the Lord Justice Clerk

in favour of it: but not only did the whole people of Scotland place the utmost confidence in the decision of their Lordships' House generally upon Scotch law, but one of the reasons for that confidence in the decisions in this particular case was, that it was not the decision of Scotch lawyers—that it was not a decision given in the Scotch courts, in the very midst of the heats and turmoils and party ferments that prevailed in that country, but that it was a decision given in that atmosphere of calm discussion, there, in their Lordships' House, upon reasoning which would do honour to any judges that ever sat in any tribunal—there, with a full consideration of all and everything that could give weight or value to the arguments of the English bar, given as the decision of English peers upon a question of Scotch law. He had read that judgment with the most perfect confidence and satisfaction, and it was, he believed, in common with every judge in this country, without exception, beginning with the Lord High Chancellor, and ending with the humblest individual who exercised the judicial function, that he felt the utmost alarm at the course their Lordships seemed about to take. If that blow was to be struck at judicature, it was impossible to say what it might lead to. Why was a declaration of the law required at all? The only rational motive he could discover—and he confessed it was not a very respectful one to suggest—was, that they believed the law to be contrary to that which they declared it to be. If they believed the law to be what was stated in the bill, why not leave it to the proper tribunals to carry into effect? Why should their Lordships interpose by any legislative declaration whatever, which, if the law were as pronounced by the court was unnecessary, and if not, ought to be decided by a majority without hearing all the arguments that could be adduced at the bar of that (their Lordships') court? He could sympathise with the feelings which had actuated his noble and learned Friends; but that was a consideration of the least importance in the case; it was not only that members of the judicature would feel a want of self-respect in being so treated, but the rights of one set of persons were transferred into the hands of another. In relation to what had been said as to the value to be attached to the reasons with which the judgment was accompa-

nied, all he would say was, that the judgment itself was the practical power, but the reasons upon which it was founded, were the lights of the judgment itself. The judgment was pronounced and affirmed when it suited somebody to say, that the reasons were wrong, and a declaratory act was introduced to declare that to be law which was not law. What was the consequence? The transfer of property to other hands by that declaration? Was that tolerable? Was it decent? Was it a reasonable proceeding for a House of Parliament? Was that the way the rights of British subjects were to be disposed of? They were interfering with the rights of patrons, and those patrons had a right to be heard before anything was taken from them by a direct act of force. If the judges of Scotland were of the opinion that had been stated, he would venture to say, that their Lordships would repent of the step they were taking, if they did not consult those judges; and if the bill proceeded further with the word "declare" upon it, he begged leave to give notice that he should move that the opinions of the Scotch judges be taken upon certain points to be submitted to them by their Lordships. He must decline, in a case of this description, to take the report of any one as to the opinion of the judges, or to accept the authority of a private letter written by any judge, even to a minister. Then that opinion would not be in any degree binding on their Lordships' judgment—they would be still acting in their judicial capacity—their judicial consciences would have to be convinced before declaring—they would have some reasonable foundation and fair material to decide whether truth would warrant them in making the declaration which the bill required at their hands. There was nothing so likely to produce mischief, and want of confidence in the law, and so calculated to encourage those who resisted the law, than to find that a contumacious standing out against that law had produced from their Lordships a declaration that the law was different to that which the judges had declared it to be.

The Earl of *Aberdeen* disclaimed influence of political motives, and said, that looking to the state of the church, and of the people in Scotland, he had no hesitation in expressing his sincere conviction, that if some law of this description were

not passed, the church would be disestablished. In the whole course of his life, he had never been more convinced of the necessity of any legislative measure than he was of this. If the evil were not met by some remedy of the kind, it was impossible to foresee what mischiefs might ensue to the church and people of Scotland. He did not deny, that patronage was a right in Scotland as well as in England; but it had stood upon different grounds. In the old times, there was a great outcry against patronage, because it had been much abused; and it was said, that at the time of the Reformation, even grooms and lacqueys were inducted into benefices. Now, however, patronage was a trust. The patron was bound to find a man to minister faithfully to the eternal welfare of the people. For three years, this measure had been substantially before the House and the public, and from the first moment of its introduction, to the present hour, he had not received the slightest remonstrance from any patron as to any interference with his rights. That was a fact highly creditable to the patrons of Scotland, and proved that they felt the first object of patronage was to provide for the spiritual welfare of the people.

Lord *Campbell* said, the present bill was a revival of the Auchterarder case, and would sap the foundation of the judicial system. If the Church had a right to possess the power which this bill stated that she possessed, then the Church had a right to pass the Veto Act; and if so, then the decision in the Auchterarder case was wrong.

Their Lordships divided on the question that the words proposed by Lord Campbell be inserted. Contents 12; Not-Contents 42;—Majority 30.

Lord *Brougham* moved a verbal amendment, the effect of which would be to make the clause enactive, instead of declaratory.

Their Lordships divided on the question that the words proposed to be left out, stand part of the question. Contents 38; Not-Contents 10;—Majority 28.

The Earl of *Minto* objected to the bill, both as to its form and substance—as to its form, because, being a declaratory measure, he could not help viewing it as a stigma upon the appellate jurisdiction of that House; as to its substance, because it would transfer the whole patronage of the Church to the Presbytery; and if it



came to a question, whether the clergy or the people should hold that patronage, he could not help saying, that he thought it might be more safe to trust it to the people than the clergy. This noble Lord concluded by moving as a proviso at the end of the first clause, to the effect that the objections to the presentee must be supported by a majority of parishioners.

The Earl of *Shaftesbury* said, that the amendment, if moved now, and rejected, would not appear upon the journals.

The Earl of *Minto* said, that, finding the amendment would not appear upon the journals, if he moved it now, he would withdraw his amendment for the present.

The House resumed—Committee to sit again.

House adjourned.

## HOUSE OF COMMONS,

*Monday, July 3, 1843.*

MINUTES.] *BILLS. Public.*—2°. Norfolk Island.

*Private.*—3°. and passed:—Lagan Navigation.

PETITIONS PRESENTED. By MESSRS. SHEPPARD, and P.

Howard, Sir J. Hanmer, the Earl of Leicester, and a number of other Members, from a great number of places, against the Factories Bill.—By Mr. Villiers, from Kent, for the Repeal of the Corn-laws.—By Sir R. Inglis, from Whitchurch, against the Union of the Sees of St. Asaph and Bangor.—By Mr. W. S. O'Brien, from Medin, and Milltown, against the Irish Arms Bill.—By Mr. Ferrand, from the Sawyers of Rochdale, and other places, for a Duty on Wood cut by Saw-mills.—By Mr. T. Duncombe, from Forfar, for the Release of Cooper the Chartist.—From Bredbury, against the Turnpike Roads Bill.—From Beverley, and Bradford, in favour of the Scientific Societies Bill.—From Bristol, against the Commons Inclosure Bill.—From Suffolk, against the Parochial Assessment Act.—From Leicester, and Loughborough, for Protection from Machinery.—From the Frame-work Knitters of Nottingham, Derby, and Leicester, for Relief and Inquiry.—From the Bleachers of Glasgow, Lanark, etc., for extending to them the Provisions of the Factories Act, and for Relief.

ARMS (IRELAND) BILL.] The House in committee on the Arms (Ireland) Bill.

On the 9th clause being read,

Mr. *More O'Ferrall* rose and justified the course which he and those who were opposed to the bill took on Thursday night, in respect to the postponement of this clause, and again urged the postponement of the clause. He was understood to add, that at a meeting of Irish Members held this day, it was determined to resist the further progress of the measure, in consequence of the defective manner in which many of its parts had been framed.

Lord *Eliot* would not recur to the angry discussion of Thursday night, but merely state that the clause now presented was not

a new one, but was intended to avoid some of the objections taken to that for which it was substituted.

Lord *J. Russell* reminded the noble Lord that the excluded clause contained what was sheer nonsense, and, that for that reason its postponement had been urged upon Ministers. Some hon. Members because the Opposition side of the House wished to omit nonsense, had been very angry, and had called the resistance factious. Even the first Lord of the Treasury had charged his opponents with debating the whole bill upon particular clauses. The clause now proposed was perhaps free from the objections taken to the other, but it was a point for the Chairman to decide whether it were not a new clause, and could not, therefore, now be introduced.

Mr. *Green* (the Chairman) apprehended that it was not a new clause.

Sir *Robert Peel* was not conscious that he, for one, had betrayed any great degree of temper on a former night. He doubted, had the noble Lord been in office, whether he would have preserved his equanimity so well, considering that this bill contained seventy-two clauses, and, that now, after eight or nine nights of discussion, the committee had only arrived at the fourth or fifth clause. He and his friends were anxious to meet every fair objection.

Viscount *Clements* moved, that certain words in the clause should be omitted, and insisted that such a bill so forced upon Parliament, had never been seen since the days of Sir Edward Poyning. He utterly denied that any necessity for it had been established, and maintained that it was called for only by a few police-officers about Dublin Castle.

After a considerable discussion the committee divided on the question, that the words proposed to be left out stand part of the clause:—Ayes 128; Noes 69: Majority 59.

Amended clause agreed to.

On clause 10,

Mr. *W. S. O'Brien* said, he thought that increased facilities should be given to parties who had lost their licences, to obtain certificates from the clerk of the peace instead of from the justices in petty sessions and proposed to leave out some words, and insert others, to carry out that view.

Mr. *T. C. Smith* was of opinion that the increase of the number of certificates would be very inconvenient.

The committee divided on the question that the words proposed to be left out stand

part of the question :—Ayes 69 ; Noes 29 : Majority 40.

Amendment negatived.

Clause again put.

Mr. *Pigott* moved an amendment ; the substantial object of which was, that the magistrates at petty sessions should grant to a party who has lost his licence to keep arms, a certificate, by reference to the lists of licensed persons given to them by the clerk of the peace, without requiring a preliminary certificate of registry, signed by that officer.

Mr. *T. C. Smith* opposed the amendment as unnecessary, and involving considerable additional expense.

The committee divided on the question that the words be inserted :—Ayes 27 : Noes 55 : Majority 28.

[We subjoin this list out of several which contains the fewest names, to preserve a memorial of those who were most pertinacious and constant in opposing every part of the bill, as we subjoin the names of those who voted on the whole clause to preserve the most numerous divisions in the evening.]

#### List of the AYES.

Barnard, E. G.	Marsland, H.
Bowring, Dr.	O'Brien, W. S.
Brotherton, J.	Pigot, rt. hn. D.
Chapman, B.	Tancred, H. W.
Clements, Visct.	Thornely, T.
Crawford, W. S.	Wall, C. B.
Dawson, hon. T. V.	Watson, W. H.
D'Eyncourt, rt. hn. C.	Wawn, J. T.
Gore, hon. R.	Williams, W.
Granger, T. C.	Wood, B.
Hall, Sir B.	Wyse, T.
Hatton, Capt. V.	
Hill, Lord M.	
Howard, P. H.	
Leader, J. T.	

#### TELLERS.

O'Conor Don  
Norreys, Sir D.

#### List of the NOES.

Archbold, R.	Flower, Sir J.
Arkwright, G.	Forman, T. S.
Baillie, Col.	Gaskell, J. Milnes
Bailie, H. J.	Gladstone, rt. hn. W. E.
Baring, hon. W. B.	Gordon, hn. Capt.
Baskerville, T. B.	Graham, rt. hn. Sir J.
Boldero, H. G.	Halford, H.
Botfield, B.	Hamilton, G. A.
Cadwell, E.	Hardinge, rt. hn. Sir H.
Clive, hon. R. H.	Hayes, Sir E.
Corry, rt. hn. H.	Hepburn, Sir T.
Cripps, W.	Hope, hn. C.
Darby, G.	Hope, G. W.
Denison, E. B.	Knatchbull, rt. hn. Sir E.
Dickinson, F. H.	Masterman, J.
East, J. B.	Maxwell, hon. J. P.
Eliot, Lord	Meynell, Capt.
Ferguson, Sir R. A.	Nicholl, rt. hn. J.

O'Brien, A. S.	Sutton, hon. H. M.
Peel, rt. hon. Sir R.	Tennent, J. E.
Peel, J.	Tollemache, J.
Plumtre, J. P.	Trench, Sir F. W.
Polhill, F.	Vesey, hn. T.
Pollock, Sir F.	Vivian, J. E.
Pringle, A.	Wellesley, Lord C.
Shaw, rt. hon. F.	Young, J.
Smith, rt. hn. T. B. C.	
Stewart, J.	
Stuart, W. V.	

#### TELLERS.

Freemantle, Sir T.  
Baring, H.

Amendment rejected. Clause ordered to stand part of the bill.

On clause 11, which provides, that licensed persons changing abode shall give notice,

Mr. *Pigott* moved to insert in the 4th and 5th line of the clause instead of "produce before two or more magistrates," the words "apply to."

The committee divided on the question, that the words proposed to be left out, stand part of the clause :—Ayes 81 ; Noes 36 : Majority 45.

Mr. *M. J. O'Connell* moved that "statement" be substituted for "description."

The committee again divided on the question, that the word "description" be left out :—Ayes 106 ; Noes 36 : Majority 70.

Viscount *Clements* objected to the penalty imposed on persons changing their place of abode, and not giving notice of such change, and moved, to substitute the words, "one pound" for the words "five pounds."

Lord *Eliot* opposed the amendment, and pointed out, that the penalty might be reduced at the discretion of the convicting justice.

The committee divided on the question that the blank be filled up with the words "five pounds" :—Ayes 162 ; Noes 66 : Majority 96.

The committee again divided on the motion, that the clause as amended stand part of the bill :—Ayes 154 ; Noes 65 : Majority 89.

#### List of the AYES.

Acland, Sir T. D.	Bernard, Visct.
A'Court, Capt.	Blackburne, J. I.
Acton, Col.	Blackstone, W. S.
Allix, J. P.	Blakemore, R.
Antrobus, E.	Boldero, H. G.
Arbuthnot, hon. H.	Botfield, B.
Arkwright, G.	Bradshaw, J.
Baillie, Col.	Bramston, T. W.
Baring, hon. W. B.	Broadley, H.
Baskerville, T. B. M.	Broadwood, H.
Beckett, W.	Brooke, Sir A. B.
Bentinck, Lord G.	Bruce, Lord E.



Buller, Sir J. Y.  
 Bunbury, T.  
 Chelsea, Visct.  
 Clerk, Sir G.  
 Clive, Visct.  
 Clive, hon. R. H.  
 Colquhoun, J. C.  
 Compton, H. C.  
 Courtenay, Lord  
 Cresswell, B.  
 Cripps, W.  
 Damer, hon. Col.  
 Darby, G.  
 Denison, E. B.  
 Dickinson, F. H.  
 Douglas, Sir C. E.  
 Douro, Marq. of  
 Drummond, H. H.  
 Duncombe, hon. O.  
 Du Pre, C. G.  
 East, J. B.  
 Eaton, R. J.  
 Egerton, W. T.  
 Egerton, Sir P.  
 Eliot, Lord  
 Escott, B.  
 Estcourt, T. G. B.  
 Farnham, E. B.  
 Feilden, W.  
 Flower, Sir J.  
 Follett, Sir W. W.  
 Fuller, A. E.  
 Gaskell, J. Milnes  
 Gladstone, rt.hn.W.E.  
 Gladstone, Capt.  
 Godson, R.  
 Gordon, hon. Capt.  
 Gore, W. O.  
 Gore, W. R. O.  
 Graham, rt. hn. Sir J.  
 Grogan, E.  
 Hale, R. B.  
 Halford, H.  
 Hamilton, J. H.  
 Hamilton, G. A.  
 Hamilton, W. J.  
 Hamilton, Lord C.  
 Hardinge, rt.hn.Sir H.  
 Hayes, Sir E.  
 Henly, J. W.  
 Hepburn, Sir T. B.  
 Herbert, hon. S.  
 Hervey, Lord A.  
 Hope, G. W.  
 Hughes, W. B.  
 Hussey, T.  
 Irton, S.  
 Johnstone, Sir J.  
 Jolliffe, Sir W. G. H.  
 Kemble, H.  
 Knatchbull, rt.hn.Sir E.  
 Knight, H. G.  
 Lefroy, A.  
 Lennox, Lord A.  
 Leslie, G. P.  
 Lincoln, Earl of  
 Lockhart, W.

Lowther, J. H.  
 Lowther, hon. Col.  
 Mackenzie, T.  
 Mc. Geachy, F. A.  
 Mannors, Lord J.  
 Marsham, Visct.  
 Martin, C. W.  
 Masterman, J.  
 Maxwell, hn. J. P.  
 Meynell, Capt.  
 Miles, P. W. S.  
 Morgan, O.  
 Neeld, J.  
 Neeld, J.  
 Newdegate, C. N.  
 Newport, Visct.  
 Newry, Visct.  
 Nicholl, rt. hon. J.  
 O'Brien, A.  
 Palmer, R.  
 Palmer, G.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, J.  
 Pennant, hon. Col.  
 Plumtre, J. P.  
 Polhill, F.  
 Pollock, Sir F.  
 Praed, W. T.  
 Pringle, A.  
 Pusey, P.  
 Rashleigh, W.  
 Round, J.  
 Rushbrooke, Col.  
 Scarlett, hon. R. C.  
 Seymour, Sir H. B.  
 Shaw, rt. hon. F.  
 Sibthorp, Col.  
 Smith, rt. hn. T. B. C.  
 Smollett, A.  
 Somerset, Lord G.  
 Spry, Sir S. T.  
 Stanley, Lord  
 Sutton, hon. H. M.  
 Talbot, C. R. M.  
 Tennent, J. E.  
 Thesiger, F.  
 Thornhill, G.  
 Tollemache, J.  
 Trench, Sir F. W.  
 Trollope, Sir J.  
 Trotter, J.  
 Tyrrell, Sir J. T.  
 Verner, Col.  
 Vesey, hon. T.  
 Waddington, H. S.  
 Wellesley, Lord C.  
 Wilbraham, hn. R. B.  
 Williams, T. P.  
 Wood, Col.  
 Wortley, hn. J. S.  
 Wortley, hon. J. S.  
 Wynn, Sir W. W.

## TELLERS.

Fremantle, Sir T.  
 Young, Mr.

## List of the NOES.

Aldam, W.	Marshall, W.
Archbold, R.	Marland, H.
Baring, rt. hon. F. T.	Mitcalfe, H.
Bell, J.	Morris, D.
Bernal, Capt.	Murphy, F. S.
Blewett, R. J.	Napier, Sir C.
Bowring, Dr.	O'Connell, M. J.
Brotherton, J.	O'Connor Don
Carew, hon. R. S.	O'Ferrall, R. M.
Cavendish, hon. C. C.	Ogle, S. C. H.
Chapman, B.	Palmerston, Visct.
Clements, Visct.	Pechell, Capt.
Colborne, hn.W.N.R.	Pigot, rt. hon. D.
Colebrooke, Sir T. E.	Power, J.
Craig, W. G.	Protheroe, E.
Crawford, W. S.	Ross, D. R.
Dalrymple, Capt.	Russell, Lord J.
Dawson, hon. T. V.	Russell, Lord E.
Duncan, Visct.	Seale, Sir J. H.
Duncan, G.	Smith, J. A.
Duncombe, T.	Stuart, W. V.
Esmonde, Sir T.	Strutt, E.
Evans, W.	Tancred, H. W.
Ewart, W.	Thorneley, T.
Fitzroy, Lord C.	Trelawny, J. S.
Gill, T.	Wall, C. B.
Gore, hon. R.	Wallace, R.
Hallyburton, Lord J. F.	Watson, W. H.
Hatton, Capt. V.	Wood, B.
Hill, Lord M.	Wyse, T.
Howard, hon. J. K.	Yorke, H. R.
Howard, P. H.	
Howard, hon. H.	TELLERS,
Hutt, W.	Barron, Sir H. W.
	Collett, J.

Clause agreed to.

House resumed. Committee to sit again.

APPEALS—PRIVY COUNCIL.] The Appeals—Privy Council Bill was re-committed.

On clause 11 "As to cases wherein a petition shall have been lodged, but the usual inhibitions, &c., shall not have been decreed" being put,

Mr. *Thesiger* moved that this clause be expunged. He objected to the clause as it gave an *ex post facto* operation to the bill, in regard to a case in which a lieutenant Burslem was a party interested, on whom this clause would inflict much hardship and injustice. The noble Lord the Member for Tiverton had, on a former occasion, objected to this clause, and much to his surprise, the right hon. Baronet the Secretary for the Home Department then confessed, that it had been framed to meet this particular case. He called upon the committee to reject a clause fraught with so much injustice.

Sir *Robert Peel* thought in these judicial cases every hon. Member should judge for himself. He contended, that the owner of the vessel would sustain an injury if this

clause were not passed. At the same time he thought in this conflicting case it was necessary that they should have the facts. The most satisfactory course would be to postpone the further progress of the bill, and have a select committee to inquire into the facts. He was bound, however, to state, that if this were the last stage of the bill, he could not vote for such an important clause, which might be dangerous as a precedent.

The House resumed, the committee to sit again.

The House adjourned at a quarter past two o'clock.

## HOUSE OF LORDS,

Tuesday, July 4, 1843.

MINUTES.] NEW MEMBER SWORN.—Earl of Abergavenny.

BILLS. Public.—1<sup>st</sup>. Grand Jury Presentments (Ireland).

Reported.—Wheat, etc., Canada; Salmon Fisheries.

3<sup>d</sup>. and passed :—Chelsea Hospital.

Received the Royal Assent.—Sugar Duties; Roman Catholic Oath (Ireland).

Private.—1<sup>st</sup>. Lagan Navigation.

Reported.—Milne's Free School; Maryport and Carlisle Railway; Lough Foyle Drainage; Tay Ferries; Monkland and Kirkintilloch Railway; Eglwys-rhos Inclosure; Burry Navigation.

3<sup>d</sup>. and passed :—Morris's Estate; Aberdeen Harbour.

Received the Royal Assent.—Drumpeller Railway (No. 2); Northampton and Peterborough Railway; South Eastern and London and Croydon Railway (Bricklayers Arms Extension); Borrowstowness Harbour; Southampton Docks; Southampton Cemetery; Topham Improvement; Mildenhall Drainage; Leighton Bussard Inclosure.

PETITIONS PRESENTED. By the Earl of Radnor, from Kent for the Repeal of the Corn-laws.—By the Earl of Chichester, from the Clergy of Chichester, for an Alteration of the Law relative to Tithes.—From a number of places, against the Canada Corn Bill.—From the Clergy of Warwick and Worcester, for Altering the Law relating to the Burial Service.—From Hollingbourn Union, against the Beer Act, and for altering the Law regulating the rating of Small Tenements.—From a number of Clergymen, for an improved Church Government.

CHURCH GOVERNMENT.] The Archbishop of *Dublin* rose to present a petition, signed by upwards of 200 members of the Established Church in Ireland, on the subject of Church government. The prayer of the petitioners was, that the House would take measures to remedy the evils which were occasioned from the want of a Church government for the United Church of England and Ireland. The petition was particularly directed to the subject of the anomalous position of the Church in relation to the civil legislature. It had been felt that there was a want of a legislature for the whole Church, and if it were said what need could there be for

this, he replied that, although the Bishops were governors of the Church, yet they had not the power of altering or abrogating its laws. Some years ago he brought this subject under the consideration of the House, and at that time he was listened to with great attention. He then urged that these questions should be settled, but nothing had been done; and were they now in a more peaceable state than they were then? He did not wish that any alteration should be made in the Litany and the formularies of the Church, but he wished that some legislative body should be appointed which could settle those things which now needed to be settled. It was of the utmost importance that all those points which ought to be left at large should be fully left at large; but some points needed to be decided either one way or the other, for there were points on which members of the same Church entertained different opinions, and the persons entertaining those opinions, denounced as unsound members of the Church those who entertained contrary ones. They were told that they must have controversies—that truth was elicited by them. There were parties in both Houses of Parliament, and was it to be endured that a Member of this or the other House should denounce another Member for high treason, merely because he differed from him? And was it not high treason to denounce a member of the Church—especially one holding office in it—as an unsound one, merely on account of a difference of opinion? This, he said, had been going on lately, to an extent which was disgraceful, dangerous, and ruinous to the Church. If men could not agree, they might say that such a course of instruction was improper, or injudicious, but to say that it was heterodox, that it was contrary to the Articles of the Church, was a charge strictly analogous to that of treason in a civil community. Their Lordships must bear in mind that not only laymen and clergymen, but Bishops were denounced in this manner, and were declared unsound members of the church by persons entertaining the highest zeal for the Church. In stating this, he begged to be understood not to give any opinion as to who were right, and who were wrong; but he had seen it stated, not only in magazines and newspapers, but in pamphlets, bearing the authors' names, that such a bishop, or such a cler-



gyman was an unsound member of the Church. The public had lately been looking with great interest to the charges of the Bishops, as giving such and such opinions. Their Lordships must be aware that the Bishops had no more authority to decide these points than any writer of any anonymous pamphlet. The Bishop could not do more than give his own opinion. Then it had been said, both in that House and in the other House of Parliament, that the great body of the clergy and laity entertained a zealous attachment to the Church; but taking all those who made that profession they would find one party condemning their opponents who professed the same zealous attachment to the Church as unsound members of the Church. This was a state of things which was disgraceful, dangerous, and ruinous to the Church, and which would be so to any community whatever. He stated, some years ago, in that House that such a state of things would not right itself, but, on the contrary, that the evil would increase and get worse; and this prediction had been most lamentably confirmed by the present state of things, for the evil had increased and was daily increasing. They were often told to adhere to the wisdom of their ancestors. He could understand and tolerate that doctrine when a similar state of circumstances existed, but they must know that in the time of their ancestors the Church was governed by members of the Church, which had not been the case for the last century. Their Lordships must remember that rights carried duties with them. The two Houses of Parliament, in conjunction with the Crown, alone had the power of legislating for the Church, and if the three branches of the Legislature did not conceive it to be a suitable office for them to put an end to all this discord and uncertainty, it clearly was the duty of Parliament to entrust the task to the hands of those who could be legally constituted to do so, and who would have the will to do so. If he were a permanent Member of the House, or, although only an occasional Member of the House, if he were even a permanent resident in England, he would endeavour to bring the matter before the House by a substantive motion for an address to her Majesty, praying for the appointment of a commission to make inquiries with a view of Establishing a Church Government in spiritual matters alone, or of

causing the adoption of such other measures as might be deemed fit and expedient. As it was, he submitted the matter to his right rev. Brethren the English Bishops, for if they did not agree with him, it would be impossible for him to carry anything in opposition to their wishes, or, in fact, to do anything at all without the assistance. The most rev. Prelate concluded by moving, that the petition should lie on the Table.

The Bishop of *Salisbury* said, on a matter of such deep moment to the Church, and therefore to the nation, he could not omit saying a few words, though he should not enter much into the subject in the absence of many of his right rev. Friends; some of whom had expressed opinions concurring with those just advocated by the most rev. Prelate. The position of the Church was most objectionable as a body, without any power of self-legislation, or authority, by internal arrangements to settle matters in which might be required adaptation, alteration, or abrogation. The inconveniences resulting from this state of things, were most weighty and painful, pressing every day on the consideration of those who were exposed to them by their position; and now, so notorious were they, that they could no longer be disregarded. If the reasons were required for the discontinuance of the ancient self-government of the Church they would hardly be satisfactorily supplied either in objections to the nature of the system, or to the altered circumstances of the times. The convocation might not theoretically be the most excellent and perfect form of church legislature; but he could not deem it so impracticable or useless as it had been represented. The upper House, composed of the Prelates, could not, surely be open to the charge of too great tendency to popular influences; and the other House consisted of only 144 Members, a number of which certainly if popularly elected might be susceptible of excited influences, but which was made up, of first, the deans, dignitaries next in rank to the bishops, and probably about the same age, not at all likely to consider matters in other than a calm and temperate manner; nor less likely to deal with church matters in such a spirit were the archdeacons—the very *élite* of the clergy—to whom, assuredly such subjects might safely be intrusted.

So that more than half the Members of the lower House were persons not popularly elected, but sitting by virtue of their stations and offices in the church. The excitement common now-a-days in church matters might be ascribed in no slight degree to the absence of any recognized form of government—of any mode by which opinions could be brought to the test of calm consideration. Something analogous to this evil in the Church might be noticed in the excitement accustomed to pervade the country during the temporary cessations of Parliamentary deliberations, when public questions were discussed at dinners and meetings, and exciting language bandied to and fro in speeches and papers—an excitement dying away in a great degree when matters were brought again before regularly authorized assemblies; and even the wild excitement—the fierce language echoed so loudly on the other side of the Irish channel, was apt to die away to something more approaching rational discussion and argumentative consideration when it was brought into the Houses of Parliament. Nor was this wholly dissimilar to what must occur in a church where there was no authorized body to consider conflicting opinions calmly; and, therefore, they were left to the excited and exciting controversies of those least able and least willing to treat them in so befitting and beneficial a spirit. There would be no safety or security to the Church, if she were not permitted to accommodate herself in a due degree to the altered circumstances of the age, and with recognized authority to meet the necessities which, in the course of time, must inevitably occur.

The Bishop of *Ossory* expressed his dissent from the prayer of the petition.

Petition laid on the Table.

ARMY IN CHINA—THANKS OF THE HOUSE.] The *Lord Chancellor* informed the House, that he had received a letter from Sir H. Gough in answer to the vote of Thanks passed by that House to him, and the army under him, for their gallant services in China. It was as follows:—

“*Mereuca, Coorg, 10th May 1843.*

“My Lord,—I have the honour to acknowledge the receipt of your Lordships’ letter of the 25th February, forwarding the resolution of the House of Lords, expressing the sense of the House on my conduct, and, on that of the general, and other officers, non-commissioned

officers and privates, as well native as European, of the force under my command in China.

“I have not failed to communicate to the officers and persons therein referred to, the honourable testimonial of their conduct; and I have no doubt that it will be as highly estimated by them, as the favourable view which the House of Lords has taken of my conduct has impressed upon me.

“I beg your Lordship will do me the honour to convey to the House of Lords my grateful acknowledgments upon my part, as well as upon that of the force lately under my command, for the high honour they have conferred on us by their approbation.

“Requesting your Lordship will accept my best thanks for the communication of the approval of the House of Lords,

“I have the honour to be,

“My Lord,

“Your most obedient servant,

(signed)

“H. GOUGH, General.”

Letter to be entered on the Journals.

SCINDE.] The Marquess of *Clanricarde* on withdrawing the motion which stood in his name for that night relative to Scinde, in consequence of the illness of the Earl of Ripon, said, he believed it was wholly unparalleled in the affairs of this country, that such occurrences should have taken place without any communication being made until so long a time after. All the information the House was possessed of was, that all which had been done, and all that was now doing, were the acts of the Indian government, and without instructions from home.  
Motion withdrawn.

THE CHURCH OF SCOTLAND.] The Earl of *Minto* wished to put a question to the noble Lord, the Secretary for Foreign Affairs. A report had been pretty generally circulated, and apparently upon good authority, that one of the plans which the Government proposed to take towards the conciliation of Scotland, was to apply the free tiends towards the extension of the Church of Scotland. The report had been received in that country with very considerable alarm—perhaps the noble Earl could allay it.

The Earl of *Aberdeen* need not inform the noble Earl that the subject did not belong to his department; therefore he was unable to give any answer to the question. He would only say, that he was not aware that any decision had yet been come to on the subject.



Lord Brougham would tell his noble Friend, that the point could be easily settled. Her Majesty's Government had only to introduce a clause in the bill before the House, declaring—declaratory clauses were now the fashion—declaring, that all such property belonging to his noble Friend or any other person was to be the property of the church.

CANADA CORN-LAW.] The Earl of Dalhousie said, that he rose to move, that their Lordships should go into committee on the Canada Wheat Bill. In doing that, he should not think it necessary to enter into any long statement, but should content himself with stating as briefly as possible the general objects of the measure. The bill was to reduce the duties on wheat and wheat flour imported from Canada. The effect of the bill would be that Canada wheat, which lately paid a duty varying from 5s. to 1s. per quarter, would be introduced at a nominal duty of 1s., and that United States wheat, brought to Canada, and ground there, would pay a fixed duty of 4s. on importation into this country. This was the sole change effected by the bill now before their Lordships. American wheat and flour imported from America, could only be introduced under the bill, at the foreign duty, as they were now. He was not going to hold up the measure as one of paramount importance. It never had been so represented by those who originated it, and, probably, but for accidental circumstances, it never would have attracted so much attention. Their Lordships were aware, that from the first introduction of the measure, very great doubts and apprehensions had been felt respecting it in various quarters. He felt confident, that the discussion which the measure had undergone in the other House, and the investigation which had been made by the country into its real nature and effects, had done much to remove the misapprehensions which existed; but as they were not entirely removed, it would be his duty to advert shortly to a few of the objections brought against it. It was said, in the first place, that this was an entirely new measure. This was not so; for the corn introduced under this measure would be simply that introduced under the former act, by which wheat grown in the United States, and ground in Canada, was imported as Canadian produce. This had been so since the law of 1828, and was done under the direct sanction of official authority.

American wheat ground in Canada, according to the general rule, that manufactures were to be considered as the produce of the country where they were made, without paying any regard to the country from which their raw material was obtained, had invariably been treated as if it were the produce of Canada. It was said that even if this were so, the reduction of duty from 5s. to 4s. was one which, in the present depressed state of the agricultural interest, ought not to be agreed to. He trusted he should be able to show their Lordships, that the duty imposed by the present measure, was fully equivalent to that hitherto levied. He held in his hand, a return made by order of the House of Commons, showing the rates of duty levied on Canadian wheat during the last five years, from which it appeared that the average of that period was no more than 2s. 1d. It was said, that the measure now before their Lordships would produce a vast inundation of cheap corn. He thought he could undertake to show their Lordships that there would not be an inundation of corn, and that the corn introduced under it would not be cheaper than that which was imported from Canada under the law as it now stood. He had a return from the Custom-house, showing the total amount of wheat imported from Canada, under the operation of the law of 1828. During thirteen years, from 1830 to 1843 there were introduced 1,153,968 quarters, making the average importation of each year, less than 90,000 quarters, little more than one day's consumption. There appeared no reason to suppose that an importation, which remained so steady during the last thirteen years, would receive a sudden and great increase. Of the quantity he had mentioned, 950,000 quarters were introduced when the price was at upwards of 55s., not 200,000 quarters of the whole having entered this country when the price was under that. It was clear, then, that there was no reason to apprehend any considerable importation, when the price was under 55s. Now, at Montreal, the price usually varied from 45s. to 50s., and never fell below 40s. From 1815 to 1842, he found there were but two years in which the price of wheat in Canada stood as low as 40s., and the average price during twenty-seven years was 49s. 9d. Assuming the average price at Montreal to be 45s., he should be able to show their Lordships, that no corn could be introduced under the price he had named. The freight and charges from Montreal to this

country were, according to the various returns, 12s. 6d., 13s. 6d., 14s. 6d., and 16s. per quarter. He would take the price at Montreal, at the lowest rate of 40s., and the freight at the lowest amount 12s. 6d., which would make the price when introduced into this country, adding the duty, 53s. 6d. It might be said, that corn would be brought direct from the great western states of America, Ohio, Indiana, Illinois, and Michigan. The average price of corn at Cleveland, the great port of Ohio, in the last year, for which a return could be made out, was 39s. 6d., for which the freight and charges to Montreal, would be 15s., according to the Parliamentary papers. But take the price at Cleveland at 30s., and add the freight and charges to Montreal, 15s., and thence to this country, 12s. 6d., it would be impossible that corn from Ohio, coming by way of Montreal, paying 3s. duty on the Canadian frontier, and 1s. duty on reaching England, could be brought into this country under 61s. or 62s. In Michigan, the price was 20s., and the freight and charges to Montreal would be 17s., so that Michigan corn, with the 3s. duty, could not be brought to England under 53s. 6d. From Illinois, corn could not be imported under the price of 55s. 6d.; and from the state of New York, by way of Oswego, it could not be landed here under 56s. On the whole, their Lordships would see that not one single quarter of corn could be introduced into this country under 55s. or 56s. No one who was at all acquainted with the subject, or had made the slightest inquiry into it, could for an instant suppose that smuggling could be carried on to such an extent as to interfere with the operation of this bill, should it become law. With the exception of about seventy or eighty miles, the frontier consisted of the great lakes of Ontario and Erie. From the port of shipment in the western states to the nearest port in the British provinces the distance across would not be less than seventy or eighty miles. The corn could not be conveyed in boats, and must be brought in large vessels, chiefly schooners, which were all well known, and could be watched. The custom-houses were now very efficient establishments, and would be able to counteract the attempts of smugglers, if such should be made. The temptation to smuggling was great in proportion as the bulk of the article was small, and the duty high; but in the case of wheat the bulk was enormous, and the duty very

low, and it could not be supposed worth any man's while to smuggle a small quantity of corn to save a trifling duty, while it would be impossible to smuggle a very large quantity. During the period from 1825 to 1831 there was a duty of 8s. on United States wheat and flour imported into Canada, which offered a temptation nearly three times as great to the smuggler to attempt to bring it into Canada, with the same advantages when brought to this country, as the present bill would give. Yet no one had ever heard of an attempt at smuggling wheat from the United States into Canada. He did not mean to say, that a small quantity might not be smuggled here and there; but to suppose that smuggling could be carried on to such an extent as to prejudice the interests of the grower, was ridiculous. It had been objected elsewhere that this measure had taken the agricultural interests by surprise, and during the present Session a noble Lord on the cross benches had remarked that no intimation of any intention to introduce such a measure as the present had been given by her Majesty's Government, during the last Session. He could show from the recorded proceedings of Parliament, that such an intimation was clearly, explicitly, and in a manner which no one could mistake, conveyed by the language of the Government. On the 8th February, last year, the right hon. Gentleman then Vice-President of the Board of Trade, brought in the Colonial Possessions Act, by which it was proposed to levy on the United States wheat imported into Canada, a duty of 3s. a quarter. On the following day, the right hon. Baronet at the head of the Government, introduced the Corn-law, by which it was proposed to levy on Canada wheat a duty varying from 5s. to 1s. a quarter. On subsequent days, questions were asked as to whether it was the intention of Government to levy both the duties; and on the 25th of February, the right hon. Gentleman, the Vice-President of the Board of Trade, stated that that was not intended. The words of the right hon. Gentleman clearly expressed the intention of Government to be, that if a nominal duty were levied on Canadian wheat imported here, the duty of 3s., which stood in the resolutions, on the importation of wheat into Canada, should be adopted. Of all the objections which could be made, that of having introduced a measure in any other way than that which frankness, fairness, and manliness pointed



out, was most unpalatable to him. He was quite sure, that this feeling was shared by his noble Friends near him, and by right hon. and hon. Gentlemen in another place. But he thought he had now satisfied their Lordships that this imputation was groundless, and that the clearest intimation of the intention of Government had been given in another place. The noble Lord, the Secretary for the Colonies, in the discussion on Mr. Smith O'Brien's motion to reduce the duty on wheat coming into Canada to 1s., said that he could not agree to it, because the American wheat would be let in at a merely nominal duty; but if a proper duty on American corn were imposed by the colonial Assembly, then the Canadians would be entitled to greater relief. This clearly indicated that under certain circumstances, if the Canadians would protect the home grower against an inundation of American corn coming as Canadian produce, then a nominal duty would be imposed on Canadian corn. The noble Lord also observed on that occasion, that he did not believe that, in that case, the agricultural interest would feel the slightest jealousy of the free importation of Canadian corn. He submitted to their Lordships, then, that there had been no concealment of the intentions and motives of the Government with respect to this measure. It was the understanding of the colonial Legislature of Canada, and that Legislature acted on that understanding. They had passed an act, imposing a duty of 3s. on American wheat, in a confident expectation, that having secured the interests of the home growers, their Lordships would relieve them (the Canadians) from the disadvantages under which they had so long laboured. He trusted their Lordships would not disappoint the expectations formed by the Colonial Legislature. In Canada a vast field presented itself for an extensive emigration, calculated to relieve this country of much of the pressure of population, that was weighing upon it, and a great navigable river and chain of lakes were opened there to receive for that province, and the mighty power which was growing up at its side, almost any amount of commerce which this country could pour into them. The circumstances of the province, at the present moment, were such as justified the carrying out of the proposed plan. But a few years ago, that colony was the scene of an alarming rebellion, on which occasion the colo-

nists of English descent, quelled that rebellion, though there was not a single soldier in the province. He did not mean to say, that the measure now submitted to their Lordships was of such importance as to produce a very great effect; but it would show on the part of this country a desire, at least, to foster the interest of that colony: and a general impression that such a desire existed would be certain to lead to the best effects in a country which at no very remote time was likely to become a wide market to the commerce, and a vast bulwark to the strength of England. At the same time, while the measure was calculated to give great satisfaction to the colony, it would not diminish one tittle of that protection which British agriculture now possessed, and ought to possess.

Lord *Brougham* seconded the motion. He did not approve of the bill on the ground of its being a step in the right direction towards the abolition of the Corn-laws, but because he looked upon it as calculated to remove an anomaly in the system that now prevailed, an anomaly to which he could not shut his eyes while the system was retained.

Earl *Stanhope* said, it might have been expected that a motion like the present, which had been introduced by the noble Earl with much ability, would not have been presented to Parliament till the probable consequences had been made the subject of a careful investigation before a committee of inquiry. Such an inquiry was indispensable, but an inquiry had taken place, and their friends were even without satisfactory information as to the price at which wheat could be raised in Canada. But surely, without having ascertained this point in the most distinct manner, Ministers ought not to come forward to propose a reduction in the duty to 1s. a quarter, nor ought Parliament to accede to it. The papers on their Lordships' tables came from parties directly interested in the question: thus were they called on to legislate completely in the dark. But even from the papers on the Table he could show that it was the duty of Parliament to reject this bill. They were told, that smuggling could not be carried on to a great extent; but he had it on the authority of a person of great experience and the most unimpeachable character, that smuggling could be carried on, and actually had been largely carried on, without the possibility of detection. A

British ship left a port in Canada, and met an American ship at sea. The cargo of the latter ship was transferred to the former. In such a case, if another ship did not happen to be in view, how would it be possible to obtain proof of the transaction? The vessel that had sailed from Canada had her bill of clearance from a British port, and evidence to show that she had touched at no other port on her voyage. What security could they have against a system of smuggling like this? Already, in many years, the importation of colonial wheat had been larger than that of foreign wheat—and would no doubt have been still greater if the duty on colonial wheat had been 1s., instead of 5s. They were told, they had no inundation of American wheat to apprehend; but that, it must be borne in mind, would depend very much upon the extent to which cultivation was carried, and cultivation must depend on the encouragement held out by a large market. [The noble Earl read extracts from Canadian papers, and from petitions to the Legislature, expressive of a belief that Canada would be capable of furnishing any quantity of wheat that the British market could receive.] The noble Secretary for the Colonies, too, had described the measure as one of inestimable advantage to Canada. It was true, he said, at the same time, that the measure would not diminish the protection to British agriculture. The argument, however, was certainly an extraordinary one, it emulated the present administration, and, like that, attempted to sit upon two stools at once. How could the measure be of importance to Canada, except by enabling that colony to send to England enormous supplies of grain? Endeavours had been made to prove that, before wheat could be imported with advantage, the price in this country must be 61s. The disadvantage of that argument was that, if it proved any thing, it proved too much, for it would prove that no wheat could be imported at all. But was not Canadian wheat imported even now, when the price was under 50s.? In the preamble to the Canadian Act, it was distinctly stated, that this measure would make England a market at all times certain and available for Canadian grain, yet the Legislature of Canada could not but have been aware that the price in England had often, and for a considerable time been below 50s. He could not consider it otherwise than as an ab-

surdity to say that Canada ought to be considered an integral part of the empire, in the same way as any British county. If Canada were subject to the same engagements as England, he should not be opposed to such a view; but as long as it was necessary for the maintenance of her honour that this country should be highly-taxed, while Canada was hardly taxed at all, their Lordships were in duty bound to protect the industry of the highly-taxed country. He looked on this bill only as one of a series of stepping stones, which had been placed at small distances from one another, to enable the Government to advance, as conveniently as circumstances allowed, towards the realization of those principles of free-trade which, to do them justice, they had never attempted to conceal. The Secretary of State for the Home Department declared that the principles of free-trade were the principles of common sense, and the head of the Cabinet had declared that Ministers were agreed in their views. The noble Lord at the head of the Board of Control had indeed said that protection could not be abandoned at once; but he must say, if it were to be abandoned at all, let there be no suspense, but let it be done boldly and manfully, and he would dare them to the attempt. It had been said this measure was brought forward in consequence of a pledge given by this country. But if there was a really efficient House of Commons no such pledge would be given by Ministers without the sanction of Parliament. But that House was really astounded—as an assembly of much greater sense might well be—by the announcement of a Government, calling itself Conservative, proposing that Canadian corn should be introduced at a duty of 1s., and American corn admitted under the pretext that it was ground in Canada. It was his impression that immense quantities of corn would be imported from Canada and America; but if a single quarter were not imported he should oppose this bill. Agricultural produce had been already deteriorated 25 per cent. Assuming that it was a sudden panic which occasioned this, that panic arose from the tariff; and if any vestige of confidence yet remained in Government—if any delusion anywhere existed as to their real intentions—if any hope was entertained that Government meant to stop in their insane



career towards free-trade, it would be utterly annihilated by the present measure. They were next told to pass this measure because a confident belief was entertained in Canada that it would be granted. Confident belief, indeed! As if there was not a confident belief reposed in the representatives of this country that they would be faithful to their trust—that they would not so soon forget their promises and professions—that they would not disgrace themselves by such base and intolerable servility, as would always be remembered, and would in due season be properly requited. How were the present Ministers placed in power, but on the understanding that they would bring forward measures the very reverse of those which they proposed. To his judgment this bill was proposed for other motives than those announced. To his mind it was meant as some compensation to that patient beast, the agricultural interest of Canada, for the evils inflicted by the new tariff. He did not speak without authority, for he found by a paper issued under the sanction of the President and Council of the Board of Trade, that the produce of the colony was greatly diminished in value by foreign goods being allowed to enter into competition with those in the home country. So that because they inflicted an intolerable evil on the agricultural community of Canada, they were, in order to recompense them, to heap ruin on the heads of the agriculturists of this country. There was only one other motive which he could suppose prompted this measure. That was, it was a step towards carrying into full execution the principles of free-trade. If it was really intended to give way to the clamours of the Anti-Corn-law League, it might be a useful clap-trap argument to say, “Surely you cannot object to extend the system of free-trade, for you see how inoffensive is the Canada Bill which you have already passed.” He should conclude by moving that the bill be read a second time that day six months.

The Duke of *Richmond*: My Lords, even if I were of opinion that this bill would not materially affect the interests of the growers of the home country, I should still oppose it, because I frankly admit I should not give my assent to any proposal which could by possibility, in the slightest degree reduce that amount of protection, which in my conscience I believe has been reduced to too great an

extent already. I also object to this measure on the ground that I do not think it wise or expedient to propose a change for the sake of change; and I submit to your Lordships that neither my noble Friend, in the most able address in which he has introduced the measure to night, nor any one who has spoken in another place, has brought forward a single argument which can convince your Lordships that this measure will in its results be any great advantage to any one. Now I object to such a change, on account of the uncertainty which it will produce. I object to it because it is unsafe to make alterations year after year affecting the great interest of agriculture, in which millions of money are invested. I object to it, because whatever cripples the energies of the agriculturist ultimately entails on them an actual loss; and ultimately I object to it, because I think it inexpedient to start such a question as that raised by this bill unless under the pressure of an inevitable national necessity. You are well aware, my Lords, of the uncertainty and exceeding irritation which such a measure is calculated to engender throughout the country, ruining, by the very panic to which it gives rise, hundreds of farmers. The farmers, my Lords, ask to be let alone. They ask the Ministry to speak out as decidedly on the subject of protection to agriculture, as they have done with respect to the repeal of the union? They say they are entitled to know whether Ministers intend to go further, or to stand where they now are. I ask at the present moment whether a man can get a fair value for his estate, if he be disposed to sell it? I ask if it is possible for landlord and tenant to come to an equitable and just arrangement as to their respective liabilities? I ask, too, whether it can be expected that they should lay out their capital in draining and other improvements which must increase fertility immensely, whilst they would employ that industrious and meritorious class of men, the agricultural labourers, who for want of such employment, are now too many of them obliged to seek relief at the work-house, when they formerly were able to maintain themselves and family in that comfort which I and every one of your Lordships rejoice to see. Before the debate closes I strongly suspect we shall hear some of my noble Friends approving of this bill because it admits the principle

of a fixed duty. My noble Friend (Earl Dalhousie), like an old stager, though a young debater in this House, said not a syllable on this point. Now I object to any such principle. I do not say that this bill goes in accordance with that principle the length some apprehend; but it certainly does admit the principle. I have always considered a fixed duty the greatest possible delusion. I never knew one of its advocates that was not in private ready to admit that if a considerable rise should take place in corn (and it was impossible to say that such a time might not arise) an order in council must be issued, the effect of which would be to admit corn from all parts of the world free of all duty. My noble Friend stated it was impossible that smuggling should be carried on, and that, whatever practices formerly prevailed, the Canadian customs were now under the best possible regulations. If this were so, it is a monstrous pity our own Custom-house is not as wisely administered; for, if I am not greatly mistaken, considerable frauds have of late been discovered there. As to preventing smuggling, I do not believe it will have any such effect. I do not think it is possible to prevent fraud when the least temptation is held out to commit it. How may defeat the penny postage by sending their letters by carriers, and such means of conveyance? I should like to hear some Member of the Government tell us how much flour it is calculated will come in under this bill; and I should be particularly delighted to hear the name of the gentleman who gave it as his opinion that corn ground in Canada must be considered as the produce of the country. I should like to see the case submitted and the person who signed that opinion. I can only say if that is the law of England it is a very odd law. Whilst on this point I may say that there was an act passed last year, commonly called the Grinding Act. I did not approve of it, but I was told that frauds under it would be impossible. If I am not wrong, convictions have already taken place under that act; and I have no doubt that other frauds have been committed which have not yet been discovered. I agree with my noble Friend, that papers emanating from the Board of Trade are to be looked on with suspicion. I do not say that those who issue papers do not believe their contents; but they are often

mistaken in their information. Last year the announcement of the tariff as to salmon caused a panic amongst the Scotch. A deputation waited upon the Board of Trade, and they were assured that no importation could possibly take place that would affect the price. I do not think the deputation were convinced, but they were not strong enough to get a line altered. Now what has been the effect of the tariff? Why, that the price has been reduced 20 to 30 per cent. in consequence of foreign competition. I must say that I agree with the advice given the other day by a practical tenant farmer in the county of Bedford, a farmer with whom I have the pleasure of being acquainted, and whom I know to be a sensible man. He said to the tenants "Don't quarrel with, but join the landlords." My Lords, I give the same opinion to the agriculturists. I say if you stand firm and united you will be able to repel the assaults of the Anti-Corn-law League and your other enemies: but if one section of you declares in favour of a fixed duty, and another in favour of some other crotchet, your task will be much increased in difficulty. I agree with my noble Friend (Earl Stanhope) in strongly recommending that the agriculturists should let it be well known by those whom it may concern that they are decidedly resolved and firmly determined, by every constitutional means, to prevent any further breach in the laws affording them protection; that they will care not for party or any such motive, but that they will one and all, and shoulder to shoulder, resist any attempt to reduce protection—a protection, let me be permitted to say, not given, as falsely asserted, for the benefit of one class, but for the promotion of the welfare and prosperity of every individual in the country. My Lords, I would humbly and earnestly entreat you to vote against this measure, although it is proposed by those with whom you may have been long politically connected. If you do so, I feel certain that ere long you will be accounted, even by those whom you now oppose, their best and sincerest friends, by checking them in the career of free trade mania, by preventing the uncertainty which must produce the greatest evils throughout the country, shake the confidence between man and man, cripple the energies of the agriculturist, and certainly endanger the best interests of the empire. If, however,



you do vote for it, I ask whether, in your consciences, you are not persuaded that the agricultural interest has a right to ask if this is meant to be a stepping stone, or a final measure. My Lords, I need not say that I shall vote with the greatest cordiality in favour of my noble Friend's amendment, and I am much obliged to him for his opposition to a measure which must produce alarm, and may seriously affect the interests of the home grower.

The Earl of Radnor said, he should vote against the bill, but for reasons very different from those assigned by either of the noble peers who had last spoken. If he thought, with the noble Earl, that this was a step towards free trade, he should certainly have supported the bill; but instead of that, he considered the measure a step in the other direction. If he thought either, with the noble Duke, that the bill would do away with what was called, or rather misnamed, "protection," in that case he would vote for it; but, on the contrary, he considered that the bill would create a protection which had never before existed, and, therefore, he should decidedly vote against it. Or, if he thought with another noble Lord, that the bill would remedy some grievance, some anomaly, or some absurdity, then he would support it; but he had heard nothing from the noble mover which at all gave him that idea, and, indeed, so far from that being its effect, he thought he should be able, before he concluded, to point out several absurdities which this measure perpetrated. Before going to this part of the subject, however, he desired to throw out a suggestion as to the propriety or advisability of proceeding with the bill at all. This measure had for its object to alter certain duties on the importation of Canadian wheat and wheat flour ground in Canada, in the event of her Majesty giving her Royal Assent to a bill passed by the Canadian Legislature, imposing a certain duty on American corn imported across the Canadian frontier. Now, that Royal assent had not yet been given. It was understood that it would not be given until this bill passed, and it was evident that without that assent being given this act could be of no effect. The bill of the Canadian Legislature, however, enacted, that the new duties it imposed were to come into operation on the "5th day of July next." If this bill, therefore, were not passed, and the

Royal assent were not given before to-morrow, it was clear that the act of the Canadian Legislature would not come into force until 1844, and, in that case, they were only giving themselves unnecessary trouble in passing the bill now. He would now proceed to make a few observations on the bill itself. How would the bill affect this country? That was a question to which no very distinct answer was given by the other side. Among the supporters of this bill there seemed to be very different views as to its probable effect upon ourselves. One party thought it would increase protection; another that it would cause a great importation of corn. A noble Lord, a Member of the Government, had declared in another place that the bill would afford additional protection by raising the duty on imported wheat and wheat-flour from an average of 2s. 1d. to 4s. There was a great fallacy, however, in that argument. The duty which averaged 2s. 1d. would, no doubt, be raised to 4s. as it affected American wheat, but with respect to Canadian wheat it would be diminished to 1s. When, therefore, it was argued that the protection to our own agriculture was increased by the bill, it was a gross fallacy to say that it was increased with respect to all Transatlantic corn. It was, no doubt, raised with respect to American-grown corn, but it was clearly lowered with respect to corn the produce of the Canadas. By the other section of those who supported the bill, it was said that the measure would have a beneficial effect, because it would lead to a great deal of corn being admitted. He was inclined to differ from that opinion; but even admitting that corn would be brought in, it was quite clear that the bill would effect its admission in a very roundabout way. If they wanted to admit corn why not do it directly? If they were to have it, surely it would be better to have it cheap, and direct from the United States, than to have it by this dear and roundabout mode of transmission consequent upon its passing through Canada? But by another party it was said—indeed the noble Lord who proposed the bill appeared himself to be of opinion, that the measure would have no effect at all; that it would not diminish protection on the one hand, or lead to any great importation of corn upon the other. Why then, he asked, have the bill at all? The bill occasioned great irri-

tation and alarm, and if it was to do no good, why create all that confusion? If that were the case, it was the most preposterous and ridiculous bill he ever remembered to have heard of. Well, then, having gone through this first branch of his subject, he now came to consider the bill as it affected Canada. Its first result upon Canada was to raise the price of every quarter of corn consumed in that country. If, indeed, the season was very propitious, and a very great superabundance of corn was grown in Canada, then the Canadians might probably export their own corn without any great rise in their prices; but if their season was only an average season, and they were nevertheless induced, by the hope of profit, to send some of their corn to England, then, having to make up their own deficiency from America, of course the price of their corn must be raised by so much as the duty was raised; that was to say, by 3s. a quarter. Well, was that desirable? He knew that there were some who seemed to think that nothing was so good as to raise prices. He had met with landlords who said, "Oh! if the country is to go on, if the high taxes of the nation are to be paid, we must have high prices." Now, that might be very good argument for producers, but he could not conceive that it was good argument for consumers. Surely it was not desirable that they should have more to pay for corn because they had more to pay in taxes? It was people who argued thus, he supposed, who thought that it was good for Canada that she should have her corn 3s. a quarter dearer. It was clear, however, that the people of Canada did not agree with that opinion; for by their petitions, now on the Table of the House, they proved that they thought it a very bad bill. But there was a still more serious objection to the bill in his mind, which was, that it established a new protection. He held all protections, and especially protections to agriculture, to be great misfortunes, and great grievances. Nobody, in fact, approved of protection as a thing good in itself—it was only defended on the ground of its necessity, in consequence of previous legislation. A noble Lord, whom he did not now see in his place, had once declared that if protection had never been created by acts of legislation, protection would never have been required. A right hon. Gentleman in another place had also said,

and that not long since, that the principle hostile to protection—the principle, namely, of free-trade—was "the principle of common sense;" and yet here they were gratuitously and wantonly establishing a protection for Canada, where it never before existed—creating a protection which, but for the act of the Legislature, never would have been required anywhere—raising up a barrier to the principle which, on the authority of the Cabinet, was now declared to be the "principle of common sense." The bill, therefore, was doubly mischievous to Canada; it was mischievous, first, by raising the price of food, and secondly, by creating a protection which never before existed. Whether that protection were required or not, he could not say; but it certainly appeared to him that it was not, for in the petition from the merchants of Montreal, as well as in other petitions, the great grievance complained of was the want of a market for the produce of the Canadian soil. That apparently was what was wanted—a good market. But, then, it was said, that this bill was much desired by the Canadians, and that they had pledged themselves to meet it. How did the Canadians pledge themselves? What they wanted, and what they asked for was, that on their imposing a certain duty on American corn imported into Canada, we should admit all the corn from Canada at a merely nominal duty. We were to admit not only Canadian wheat and wheat ground in Canada, but likewise American wheat brought through Canada, the premium for the Canadians being the increased traffic consequent upon the purchase of American wheat for exportation. That was what they wanted, but that was not what we gave. We limited our importation to wheat absolutely grown or manufactured in Canada, and the Canadians thus got only a part of what they had a right to expect at our hands. If this measure was a boon, why not extend it to other of our northern possessions? Why should not the Nova Scotians have the privilege of grinding American flour, if it was such an advantage? But he understood that they would rather not have it, seeing that they could grind wheat now without paying a duty of 3s., and were able to send it to England under the old duty of 2s. 1d., instead of having to pay 4s. Independent, however, of the practical effect of the bill, he objected to



its principle. Was it a principle of free-trade or not? His noble and learned Friend had said, he did not support the bill because it was not a step towards free trade; but there was a step towards free-trade in one part of the bill, and in another part a step another way. It was difficult to know what the view of Government was. The other day, nothing but a sliding-scale would do. That was the principle of his noble Friend who spoke just now. A sliding-scale was continued with respect to all foreign countries; it did not exist with respect to the colonies; though there might have been a jumping scale, a scale going from 5s. to 10s. in some things, and from 6s. to 6d. in others. With respect to Canada, there was no sliding-scale for wheat, but there was for other commodities. The sliding-scale appeared to him to be contrary to all sense and reason, notwithstanding all that his noble Friend had said—it looked very ingenious at first, but experience had shown that it was of no advantage. Upon these grounds, it appeared to him that this bill ought to be rejected. If the measure would do nothing—for those who recommended it stated that it would produce no effect one way or the other—where was the use of it? The measure, certainly, would have no good effect in this country, and must produce a very bad one in Canada. His noble Friend objected to continual changes. He thought the tendency of the measure was to produce changes, and such changes as he desired to see. The people thought the Government a changing Government, because they did not act upon the principles they laid down; their measures did not come up to their principles, and, as the people supposed, that they must ultimately act upon those principles, they thought the Government changeable. A noble Lord who was absent (Lord Ripon) had professed that he was an advocate of free-trade, but that it was altogether a question of time. That was the very point; if we were to have free-trade, when was it to be? That was really saying, that there must be a time for the change; and the only question was how soon the change should be made? Upon the general grounds he had stated, he should vote for the amendment of the noble Earl.

Lord Beaumont said, that if he could look upon this measure as an isolated ques-

tion, independent of any general principle of policy, he should, (after the speeches of his two noble Friends, the noble Earl at the Table and the noble Duke on the cross-benches) be content to give a silent vote upon the subject of this evening's debate; but as on the contrary he looked upon this bill as a further indication of the new system of policy adopted by her Majesty's Government, and could only consider it as one more step towards the total abandonment of the principle of protection, he felt bound to trouble their Lordships with a few observations, while he protested now, as he had protested last year, on debating the Grinding Act in the latter instance, and the Canada Corn Bill in the present instance, against any further progress (however minute) towards the admission of free-trade doctrines. Her Majesty's Government had on various occasions declared that the principle of their Corn-laws and the rule by which they should be guided was a moderate duty based upon a sliding-scale, which would give protection to the farmer in times of low prices, and relief to the consumer when corn was dear; and yet, in the face of this distinct avowal, they did not now hesitate to come forward and declare that there was nothing inconsistent with that principle or contrary to that rule, in imposing a fixed duty upon Canadian corn. He must say, that their arguments on the present occasion reminded him of their conduct on a very recent one, when after passing a solemn judgment on a solemn subject, they introduced a declaratory bill of a totally contrary purport, and supported that bill by the assertion that it was no ways inconsistent with their former decision. Such abandonment of all fixed principle and ordinary consistency as these proceedings demonstrated, deprived her Majesty's Ministers of all title to the confidence of the country, and it convinced him, for one, that if they wished in good faith to resist the tide of public opinion which they themselves had caused to flow in the direction of free-trade, they would not be able either to stem or to turn it back, but must eventually be borne down by the current and obliged in spite of themselves to go forward in the fulfilment of those principles which the noble Lord who had spoken last had so long and so ably advocated. In consequence of these convictions on his mind, he would now, as on all former occasions of the like kind, raise his voice, feeble though that voice may be, to protest against conduct so inconsistent on

the part of her Majesty's Government, and warn them, albeit he feared without much avail, of the dangerous consequences both to themselves and the country of the course they were now about to pursue. A panic, it will be remembered, had existed throughout the country last year in consequence of the alterations which had been then made in the Corn-laws and the tariff; that panic after a long duration had begun partially to subside; there had been a good seed time, there was a prospect of a good harvest time—heaven seemed to favour the measures of the Government and everything combined to revive the hopes of the agriculturists. But when this pleasing prospect began to open on our view—when these agreeable expectations began in some measure to be realised—when our ports were beginning to be again crowded with reviving commerce—when an increase in our exports of manufactured goods was becoming daily more evident in our large towns and (as is always the case) an increased demand for agricultural produce began to follow the reviving industry of our manufacturing population, her Majesty's Government came forward to dash to the ground the cup which industrious men began after a long waiting, to raise to their lips, and upset all their schemes and calculations by proposing a measure which left them again in uncertainty as to the future, and which must prove another lever in the hands of the free-traders to shake those principles of protection on which the farmer had been led to expect he might in future rely. On this occasion, moreover, Ministers had acted as they had done in the case of the Grinding Act and the repeal of the former Corn-law, and introduced an important measure without giving due warning of their intention so to do. And here he wished to set himself right with the noble Earl who had introduced this bill as well as with the House as to the charge which the noble Earl had brought against him of misrepresenting the Government on this score. It would be in the recollection of their Lordships that on a former occasion before this bill was brought into the other House of Parliament he, after giving due notice of his intention, had put a question to the noble Duke opposite, whether in the case of a certain act passed by the Legislative Assembly receiving the assent of the Crown, foreign corn, coming through Canada would be admitted into our ports at the nominal duty of 1s. To this question the noble Duke answered in the af-

firmative. He then remarked, that there was not a single passage in the speeches delivered by any Member of her Majesty's Government in either House of Parliament which could have led any one to suppose that such a proposition would have been adopted. He could make this assertion good by reading all those passages from the speeches of Members of her Majesty's Government, which in any ways touched on this subject, but he was spared the trouble of so doing by the noble Earl himself who had read this evening to the House the very passages alluded to, and in none of which was there any word from which it appeared that last year it was the intention of Government to permit this year the importation of America corn through Canada at 1s. duty. It was not for him to say whether this restriction to flour was an after thought of the Government, or whether the noble Duke himself was in error when he answered the question, but he was certainly misled by the noble Duke and believed in common with the noble Earl who spoke last and the Canadian people that wheat as well as wheat-flour was to be included in the bill. But supposing that the noble Duke who had actually said flour and not wheat, was this the way that the intentions of Government with respect to a measure of such vast importance were to be announced to the public? Was it by a random word dropped on one occasion, and another word dropped on another occasion—was it by a half sentence falling from a Minister in the course of a debate on a different subject, or the possible construction of an imperfectly expressed opinion of the Vice-President of the Board of Trade—was it by these means that Government were to make known the changes in their views, and announce to Parliament their intentions on some great and important measure. [The noble Baron referred to several other occasions when questions had been put to Members of her Majesty's Government on this subject, and commented on the unsatisfactory nature of their replies.] This was not the way all former Governments had announced their intentions upon important matters of this nature. He had always understood it to be the practice of Parliament for the Minister of the Crown to come down to the House and there in his place distinctly and unequivocally state the intentions of his Government as to any change in the laws that regulate the trade between this country and the colonies, and



to take the opinion of Parliament on the question, before he took upon himself to propose terms to a third party and strike a bargain, from which he could not withdraw, with a Colonial Assembly on a matter of fiscal policy. It appeared, however, that in the present instance, the noble Lord the Secretary for the colonies in order to heal the wound which had been inflicted on the Canadians by the new timber duties; and in order to be able to announce to the world how happily he had induced them to submit to the late tariff, and how successfully he had restored terms of friendship between the colony and the mother country—in order, in short, to boast in Parliament that he had silenced all complaint in Canada—sat down in the seclusion of his own study at the Colonial-office, and there wrote a dispatch in which he bargained and bartered away a vote of the House of Commons, and a principle which had been adopted by a solemn vote of the Parliament of this country. Lord Stanley, without taking the sense of the House of Commons, or consulting Parliament at all on the subject, wrote to the Colonial Legislature, telling them to pass a bill, imposing a 3s. duty on American corn imported into Canada; and that he would thereupon induce the British Parliament to pass an Act admitting Canadian corn and flour ground in Canada at 1s. duty. He did not think that this was the way in which the Government of this country ought to conduct its business with the colonies, or shake the confidence of a great, and at present, suffering interest at home. Under these circumstances, he had, on the introduction of this measure confessed, that he had been taken completely by surprise, and he firmly believed, that Parliament and the country were also taken by surprise, as well as himself. He repeated, that Ministers had not announced their intentions last year; and after the explanation he had made, he did not think the noble Earl would now gainsay him. To come, however, to the merits of the bill itself, and to see whether for such a trifling good, Ministers were justified in spreading so great an alarm—the whole lay within a narrow compass, and amounted in a few words to this: the loss of 4s. protection to the British farmer against the introduction of Canadian wheat and American flour, when prices fall below 55s.; or when the home producer stands most in need of it; and to give a bonus to the Canadas, to establish a great milling interest, in opposition to that

of the mother country. It was bad to relax the principle of protection, either as regarded grain or flour; but if he were asked in which he would rather have it relaxed, he would say in wheat rather than in flour. If wheat were imported at a time when the markets were in a depressed state, and prices continuing to fall, it could be withheld from sale, and kept in a warehouse till the revival of the market made it available, and the prices became remunerating; but at whatever time flour is imported, it must be brought to sale, and cannot be held back from the market; and thus, however low prices may be, and however overstocked the market, it must tend to reduce those prices still lower, and increase to a still greater amount the surplus already in the market. Such were the evils which must immediately result from this measure. On the other hand, what benefits were expected which might in any degree compensate for these inevitable evils? Would it benefit the revenue?—the great advantage looked for in all fixed duties, and the best argument used in their support. It would not; for the 3s. were to be paid into the Colonial Treasury, not to the Customs at home—thus neglecting the good, and inflicting all the evil attendant on fixed duties in corn. Would it create a great commerce on the St. Laurence? The very proposers of the measure were urgent on its utter insignificance. It had no enlarged views in it: it neither promised to cover the lakes Erie and Ontario with ships, nor to make the St. Laurence the great highway for our manufactures. As to increase of trade, or further demand for our staple articles, neither the noble Earl, nor the supporters of the bill in the other House, held out the slightest hope. Its benefits in Canada were confined to the mere prospect of creating a great milling interest there, and thus compensating the Canadians in some degree for the loss lately sustained in consequence of change of duties on their chief staple, timber. While this was the only advantage obtained in the colony by the bill, the mischief done at home by it was both extensive and of a permanent nature. No great question was more attended to by small farmers and agricultural labourers than that of emigration; and not a small village existed that had not its oracle, who descanted on the rich alluvial plains of America, the unbroken extent of virgin soil, the luxuriant valleys of the Mississippi and other rivers; nor were the rural population of this country inclined to look

upon any premium awarded (as in this bill) to the increased cultivation of American soils, in any other light than as a heavy blow to their own industry at home, and an attempt to make the Canadas and States the granary of Europe. It was in this light they viewed the present measure, and with such a conviction on their minds, it was not surprising, if they regarded this reduction of colonial duties as a more severe blow to British agriculture than even the great sweeping bill of last year. Was it not wanton cruelty on the part of Ministers, to revive so great a panic, for the sake of so trifling a measure as they considered this bill? But this is not all; it would give to that formidable body the Anti Corn-law League an argument, which would be used by them as a lever, to shake the remaining protection, and which would be difficult to answer on the part of the friends of protection. It would be asked why should they refuse to other colonies the boon they had granted to Canada? Malta, the Ionian Islands, Gibraltar, all might say, admit wheat flour duty free, and we will impose a 3s. fixed duty on foreign wheat in grain; and thus you will have a 4s. fixed duty as the only protection against corn from Odessa, Smyrna, Egypt and Tripoli. If you grant this boon to the teeming soils of Ohio, Illinois, Indiana and Michigan, how can you deny it to the lands where nature has been more niggard of her favours? This, the Anti Corn-law League may say, is your own principle and system, and not ours; you cannot say it was wrung as a concession to the free-traders from an unwilling Ministry, but it was the deliberate, uncalled for act of those who call themselves the friends of the farmer; and as it is theirs, we call upon them to carry it out to its full extent. He had, although alone and unsupported, opposed the Grinding Act last year, because he considered it as the precursor of other similar small but repeated concessions; and he now opposed the present bill, because he feared it too might only prove the precursor of other and equally dangerous measures; nor could he refrain from telling noble Lords opposite, that it was the same thing whether the interests he advocated were struck down by the blows of their open enemies, or sapped and mined by their professing friends; nay, it was perhaps better to fall at once beneath a great measure like that advocated by the noble Earl near him, than to be tortured and worried, "stung to death by pismires," as they now

were by these little but recurring attacks. He would, however, never flinch from doing his duty; and he therefore was prepared to vote with the noble Earl who had moved the amendment.

Lord *Wharncliffe* said, so far from there being any wish on the part of the Government to take away protection from the agricultural interest, their whole object had been to support that interest; and he believed that the measures of the present Government would be the salvation of the agricultural interest. He believed that to persist in the extreme measures which the noble Lord advocated, would be to ruin the agricultural interest. He stated distinctly, that the object of the Government was to protect the agricultural interest, and they had taken no step whatever but with that view. It was true that they had reduced the scale of protection, but not more than the well-wishers of agriculture desired. He believed, in his conscience, that the great majority of the agriculturists felt, that the price at which corn was distributed to the people of this country under the former law was too high, and required reduction, and he believed the country generally was satisfied with the change. But he again repeated that protection was the object of the Government, and the principle on which they wished to act with regard to agriculture. The noble Lord (Lord Beaumont) taunted them with becoming free-traders, because they had taken certain measures last year to reduce the price of certain articles, which was notoriously too high. They had taken measures by the new tariff to lessen this price, because they thought such a measure due to the country when they were obliged to impose taxes. He wanted to know if, in point of fact, there was any trade in this country which was not protected? The interests of agriculture had grown up under a system of protection, and it would be madness in the Government to take away protection from it. But they were pressed and asked, "Why don't you say manfully you will go a step further in lessening that protection?" Why, they could not do that; they must depend upon circumstances. It might be asked, why did they not treat this question firmly, as they did the question of the Repeal of the Irish Union? Because the Repeal of the Union was a vital question to this country, which they must re-



sist at all hazards; not so, the Corn-laws, and the Government would be unworthy of the position which it held if for one moment it treated the two questions in the same manner. Another argument brought against the Government was that of constant change, and this bill was spoken of as an instance of it. His noble Friend (the Earl of Radnor) said, "Here you have a fixed duty; you have gone from your principle of a sliding-scale and have gone to a fixed duty." He could not see the adoption of a principle of a fixed duty here. He confessed that he could see a fixed duty which would be better than a sliding-scale, provided they would insure it to him; but his objection to a fixed duty was this, that it was impossible to impose it under certain circumstances. They were deluded when they talked of a fixed duty as a protection, when, in point of fact, they could not maintain it when most necessary. So far from this bill being an instance of continual change, he contended that a fair warning had been given of it; the Canadian people had been appealed to, that if they would impose a proper duty on the importation of American corn, the Government of this country would reduce the duty on wheat flour coming from Canada, and the object of this had been to do good to the people of Canada. It was not for the purpose of doing anything very serviceable to the people of this country, but in order to show Canada that we were disposed to treat her as a favorite child, and to give her every advantage we could, without doing an injury to the agricultural interest of this country. Five-sixths of the wheat that came from Canada came in a manufactured state, and the proposed mode was the best way of imposing a duty on American produce. It was true that this duty did not come into the Exchequer of this country, but it came into that of our colony, and we were willing to give her this advantage. Before the present bill the duty was 5s. at the highest, and 1s. at the lowest, and by this bill the Government put on a duty on the importation of American manufactured corn through Canada equal to four-fifths of the highest duty that could be laid on it under the existing law. It was true that this duty might be called a fixed duty, but it was not like a fixed duty imposed on corn coming from the Baltic, which they knew well they could not obtain under certain

circumstances. This duty was imposed under circumstances against which the agricultural interest of this country could always contend. He believed the Canadians were perfectly willing to pay this 3s. duty, especially as they had no corn of their own. They were told that this bill would introduce smuggling into Canada, and that though they imposed a 3s. duty there would be a great deal of smuggling, and in point of fact they would only realize 1s. It surprised him that any people should imagine the smuggling of corn in any country. He should just as soon imagine the smuggling of coals, a similar bulky article. He should say that it was almost impossible to smuggle corn. It was quite true, that make laws as stringent as they would, they could not prevent the smuggling of some articles easily conveyed; but it was impossible to smuggle corn across the lakes of Canada. It was said, that there was a part of the St. Lawrence, near Montreal, where the river was narrow, where it was possible to smuggle corn; but, in point of fact, they were here a long way from the corn districts of Illinois and Michigan, and other corn-growing states; and the corn could not be conveyed to this part of the St. Lawrence, except at an expense to put smuggling out of the question. He would again repeat that the agricultural interest having grown up under protection, the Government deemed that it ought to be protected, and the Government had no intention of taking protection away.

Lord *Monteagle* confessed, that he felt some degree of difficulty on this question; not on account of the vote he intended to give in favour of the bill, but in consequence of the opinions that had been expressed in its favour by some noble Lords. If he could agree with them, in their facts, or in the inferences they drew from these facts—then, so far from supporting the bill, he should concur with them in opposing it. He admitted that in acquiring this case, the Government was placed in a very great difficulty, for they were exposed to a cross fire, and could not advance anything which was likely to conciliate one class, without subjecting themselves to hostility from another. This difficulty had betrayed them into the most extraordinary fallacies. First, the noble Lord, the President of the Council, had said, that this was a measure intended altogether for the benefit of Canada. But

in what way did the noble Lord make out his proposition? So far as the Canadians were consumers of foreign American wheat, they evidently were placed in a worse situation than before, because they would have to pay hereafter a duty on all the foreign American corn they consumed. But then it was said, that the concession of trading with this country would be such a benefit to them, as to counterbalance the disadvantage of paying a higher price for American corn. If, then, the increased intercourse with England was a benefit, that benefit must be in proportion to the reduction of British duty conceded by this bill, yet the House were gravely assured, that whereas the Canadian could heretofore have imported his produce into England at 2s. 11d. duty, he was under this bill called upon to pay 4s. [Lord Wharncliffe: It was to be 1s. duty on Canada.] That was on the produce of Canada only. It was clear that the benefit to the colonial manufacturer of flour must depend upon the amount of the consumption, and that must depend, more or less, upon the amount of the duty imposed. So far, then, from this measure being a benefit to the Canadian, upon the hypothesis of the Government, it would be none whatever. He did not, however, admit that hypothesis, practically a fallacy, ran through the whole of the speech of the noble Lord; and he would tell the noble Lord, if there were not that fallacy in it, his argument would carry him much further than he intended. The noble Lord had said, that this was not a new measure. He thought that it was a new measure, and on that very account he supported it. Since 1815, there had been no new measure proposed in Parliament that in his opinion so boldly or so wisely recognised the principle of a fixed duty. This was its leading feature—this seemed to be its main object—and, therefore, it was, that he should be found heartily voting in its favour. The noble Lord had stated that this bill would not encourage the import of much corn. Now, he would take the liberty of showing, that hereafter, and perhaps at no distant time, it must lead to the import of a large quantity of corn, and he gave his support to it on that expectation. In dealing with the interests of nations, the Legislature was bound, and had a right to look beyond the present time. They were not alone to look to Canada in 1843, but to Canada such as it might become hereafter. They had also to look forward to

what must be the certain progress of other great provinces of North America. They were also as Legislators bound to look to what must be the ultimate and indirect consequences of this measure hereafter. The noble Lord had said that this bill would not lead to a great importation of corn, and he had denied that it would give corn at a cheaper rate. No doubt, if it did not give them an increased supply of corn, it would not give corn cheaper. He thought he could show, that corn must hereafter come in in considerable quantities, and with a great increase in cheapness. But, if this was denied, and that bill was only to be that which it was represented to be by its framers, he asked on what ground, or from what necessity, was it to be passed at all? The only ground stated for it was, to conciliate the good feeling of the Canadians. He attached importance to those feelings. If the bill were a matter of indifference, or even if he felt some slight repugnance to it, still on grounds of Canadian feeling he would hesitate, before he refused to assent to it. It was impossible to consider this bill without also considering the state of Canada at the present time. Canada had just recovered from a rebellion. The Legislature of Canada had passed an act which was on the Table of that House. They did so upon the inducement of the Secretary of State. It was on the faith of Lord Stanley's dispatch that this was done. It was on the intention expressed by that Secretary that they relied. He could not imagine, that the attachment of a colony to the mother country, more especially a colony, subsiding from the danger of a revolution, could be put to so severe a trial, as if after acting, in good faith, relying on the inducements held out to them, the promised good should be withheld by Parliament, after everything short of a Parliamentary pledge had been given to them. He could not imagine anything more fatal to our character and interests than to refuse assent to the present bill. But was it wise, he would ask, on the part of the Government to put Parliament in so novel a position? With all the respect and regard which he entertained for the Secretary of State, he did not think Parliament was quite fairly treated by having this engagement made by a Minister without a more direct authority from Parliament itself for the realization of the engagement. On a former occasion, he had stated that Parliament and the public had a perfect



knowledge that some measure on the subject of Canada Corn was intended to be introduced, and he did not concur with any one who had in this respect attributed bad faith to the Government. It would, however, have been better if some more specific intimation of the intended measure had been given, and had been strengthened by a Parliamentary sanction. But were they now carrying into effect the promise made to the colonies? Undoubtedly not. He was free to admit, that the absence of any remonstrance from Canada went far towards negating the supposition of any injustice inflicted, or of any discontent on the part of the colonists; and he also admitted, although there was a difference between the engagement entered into, and that to which they were about to give effect by their legislation, yet that difference was not so great as at first appeared. It was, however, perfectly clear that the Canadian legislature had expected the same concession to be granted to American wheat, and to flour. This he thought he could demonstrate, and it was important that the fact should not be overlooked, because he thought the Legislature and the Government would do wrong, if they did not give the most liberal construction to the engagement that had been entered into. Now, though he was convinced that the effect of the present bill would be more advantageous to the public interests than some noble Lords expected, he still objected to the principle of contingent and conditional legislation. The Imperial Act would endure only for the duration of the colonial act; if the latter were repealed the old law would be thereby revived. He objected to that. He objected also to the transference of the duty received on American corn to the Treasury of the colony instead of being received by the British Exchequer. He thought that principle unsound. But those objections were overcome—first, by the fact that he got by the bill a Parliamentary and solemn recognition of the principle of a fixed duty; and, secondly, by his belief that the country was certain to obtain hereafter a greater abundance of corn, and that increased supply furnished at a cheaper rate. There was an objection which might fairly be urged against the bill on agricultural grounds, it unwisely feared the introduction of flour in preference to wheat, if flour were thus introduced, it would operate in substitution for flour made in this country, whereas if wheat were introduced,

it acted not as in substitution of British wheat, but in aid of British wheat. In a cold bad harvest, foreign wheat was important to the miller to assist in grinding up with the soft qualities of wheat in England, and it was important to the consumer increasing the quantity of food, as well as bettering the quality. In this way, the introduction of foreign wheat is productive of good to all parties concerned. In order to prove the ultimate effects of the present bill, he would next refer to passages subjoined to Lord Durham's report on Canada, in which that noble Lord described the mass of rich and fertile land which lay north of the Lakes. Lord Durham, after drawing a comparison between the United States and Canada, said, and alluding to the supposed superiority of the former states—

"It might be supposed by persons unacquainted with the frontier country, that the soil on the American side is of very superior fertility. I am positively assured that this is by no means the case, but that upon the whole superior natural fertility belongs to the British territory. In Upper Canada the whole of the great peninsula between Lakes Erie and Huron, comprising nearly half the available land of the province, consists of gently undulating alluvial soil, and with a smaller proportion of inferior land than probably any other tract of similar extent in that part of North America, is generally considered the best grain country on that continent."

Now, there were 17,000,000 acres of land already disposed of by the Government. [*A noble Lord*: Yes, but not cultivated.] No, not cultivated, and so much the better for the argument, because, if those lands were already in a state of cultivation, there would not be so much reason to anticipate a great future increase in the agricultural produce. It is because these rich alluvial soils were not cultivated, yet capable of profitable cultivation, it was on that very account that there might and must be anticipated a great increased production hereafter. Now 17,000,000 of acres contained in this single district of North America, was a district nearly equal to the whole amount of the cultivable land of Ireland, but the population of the district was under 400,000. Well, but the Government were encouraging emigration, and most wisely encouraging it; every emigrant landed upon the shores of that country must, it was true, in the first instance be a consumer, but ultimately he would become a producer also; and the production of grain upon land of such fertility as that described

in the reports of Lord Durham and Mr. Buller, ought to be estimated not in reference to the state of the country at present, when it was so under-populated, but in reference to the time when it should become fully inhabited. If, therefore, they dealt with Upper Canada alone, they must look to a greatly increased future production, and it must be remembered also that the whole of the produce of those soils would come in at the lowest amount of duty. There was no question, here, of a 3s. protection. The 17,000,000 of fertile acres in Upper Canada might all be cultivated with wheat, which might be introduced at a 1s. duty. He was perfectly consistent, then, in voting for this bill, for he obtained a reasonable certainty of an increased supply of corn at no very distant time. But how would the matter stand in relation to the grain of the United States? South of the Lakes we had to deal with the great wheat-growing states of the Union. Now the production of articles of food in the United States was brought before them as part of the statistical results of the last census. He had the papers before him, and they led to wonderful inferences. For the sake of brevity he should exclude the general question, as it applied to the whole of the Union, and apply himself simply to those parts of the Union which would more immediately profit by the new law, namely, the states lying to the southward of the Lakes. The produce of the United States was, of course, subject to vicissitudes, as well as that of all other countries, and these vicissitudes, he might add in passing were increased by injudicious Corn-laws. There were bounties on the growth of corn in some states, and duties on importation, and such laws could not fail to be most injurious. The only states to which he now felt it necessary to refer, were Ohio, Indiana, Illinois, and Michigan; he would ask how had population increased in those states? One of these states was greatly in advance of the others, which enabled him by showing the effect of an increased population in one instance, and comparing it with the increased produce, to apply a test by which the House might calculate what an increased population would effect in other states of equal fertility. The most densely inhabited of the four states was Ohio; and taking its population at four decennial periods, it appeared, that the increase had been from 230,000 in 1810, to 1,515,000 in 1840. In Indiana the population had started at

24,520, and augmented to 638,000 during the same period. In Illinois, the increase from 1810 to 1840, had been from 12,283 to 486,000; and in Michigan from 4,762 to 211,705. Now, the produce in wheat was justly represented by the progress of population in those four states; and it should be remembered, that when they dealt with the produce of wheat in those states, they dealt with states that produced enormous quantities of Indian corn, the consumption of which at home must set free a proportionate quantity of wheat for the consumption of other countries. The number of bushels of wheat produced in Ohio, in 1839, was 16,292,000; in Indiana, 4,154,000 bushels; in Illinois, 2,740,000 bushels; and in Michigan, 1,899,000 bushels; and the area of these four wheat growing states was 178,816,000 acres. In comparison with that enormous territory it should be remembered, that the area of the British isles was only 77,394,000 acres, and let it also be remembered, that in the states he had mentioned, the land though fertile was as yet scarcely populated. In Illinois there were only eight inhabitants to the square mile; in Michigan, four; in Indiana, eighteen; and in Ohio, thirty-nine. When, therefore, he mentioned that the produce of these states would be enabled under the present bill to profit by the water carriage extending through Canada, and to claim admission into British markets at a low fixed duty, he had made out his case, and had proved that it was absurd—that it was the greatest of all fallacies—a fallacy advanced in entire forgetfulness of the enduring principles upon which all sound legislation should rest, if the House were solely to look at the produce of the past as a guide or test to decide the probable produce of the future. But he would not rely exclusively on the statistical facts he had recapitulated. He would refer the House also to the evidence of a gentleman perfectly well qualified to give testimony on the point. In 1833, a committee was appointed by the other House of Parliament, to consider the state of manufactures and commerce, and before that committee, men of the highest authority, knowledge, and commercial eminence were examined. It was the more important to consider the evidence taken by that committee, because it was given before the sliding-scale and fixed duty had unfortunately become party questions, and before the present struggle of opinion on the subject of the Corn-laws had com-



menced. The following evidence was given on the occasion referred to :—

“With a change in the Corn-laws here, I do not think that American manufactures would make much progress.

“Are the committee to understand, that the consumption of our manufactures by the United States is only limited by the power they have of purchasing them; and that if we were to permit a more free ingress of American produce into this country, we should then be able to induce them to take a much larger supply of our manufactures?—No doubt of it; the people of New England having nothing of their own produce which this country will take from them, and finding no market for agricultural produce, of necessity must do something else.

“Supposing there was a change of the law in this country by which corn were admitted more regularly than at present, and the trade were no longer subject to the fluctuations incident to a graduated fluctuating scale of duty—do you conceive, that the United States would send continually a considerable supply of corn to this country?”

Now, a more direct question could not possibly be put. The answer was—

“There is no doubt that she would send a very large quantity depending, however, upon what the fixed duty might be.

“Have you any data as to the price at which a considerable quantity of corn could be afforded under such circumstances?—The price at which it could be afforded from the western country, if there was a great market continually open for it here, would be very low indeed.

“Coming out through the St. Lawrence?—Coming out through the St. Lawrence.

“Can you state anything more precise on the subject?—The price of wheat in the western country is stated to be very low—2s. a bushel a high price, or 16s. a quarter. Thus it might be delivered at New Orleans, at 22s. per quarter for very fine wheat, and in Liverpool or London at about 30s. a quarter. The uncertainty with regard to the duty would prevent any one from speculating in it, and it would not be till some time after the establishment of a fixed duty that the low price would be arrived at.”

Thus the witness admitted, that a great supply of corn might be obtained from the western country upon a fixed duty. He supposed he should now be asked the name of the gentleman whose evidence he had quoted. That gentleman was asked the question—“You are a partner in the House of Baring and Co.?” and the answer given was—“I am.” The name of the witness was Joshua Bates, and a more intelligent person could not be examined; he was an

American by birth, and an Englishman by residence, and it was important to recollect that his were not sentiments delivered in opposition to the bill now before the House though bearing so immediately upon it—but was the enunciation of the simple truth as it appeared to the witness. Now, he hoped that as a free-trader he had fully justified his intended vote. He had also shown that the results he anticipated in 1843, had been foretold in 1833. But were there no other considerations to be taken into the account also? The House had passed a bill for the encouragement of public works in Canada, and a million and a half was pledged by the country for the improvement of the water navigation in the colony. He would ask, must not every increase and every improvement they gave to the internal communications of that province, increase by so much, the facility of producing, and with the facility of conveying, increase also the cheapness at which corn could be sent to market. He was anxious to represent to the House, the facility of water carriage in Canada as strongly bearing upon the question of smuggling. The more they smuggled, the better for his argument, for he wanted to get increased quantities of grain into consumption; if Parliament made a bad law, they must pay the penalty in having it defeated by smuggling; and he thought that the increase or diminution of smuggling, furnished the best test, whether a revenue law was good or bad. In regard to the intercourse between the United States and Canada, he believed he was right in stating, that the exports of farinaceous food exceeded in value 4,000,000 annually, and that it occupied a tonnage equal to one-third of the whole of the shipping of the United States. America, too, as well as Canada, was improving her water communication; they had spent 2,000,000 of dollars in improving one inland harbour. Thus increased cultivation would improve navigation, and improved navigation give a new stimulus to agriculture. He had shown, upon high American commercial authority, that the abolition of the sliding-scale would be an enormous encouragement to the production of corn in the States. It would place American commerce on a better and juster footing than formerly, for a graduated scale operated most injuriously upon those states which were at the greatest distance from our markets. He hoped, that the beneficial effects of the change would be felt in

America, and that it would be appreciated not only by our own provinces, but by the people, the legislature, and the government of the United States. He believed, that the bill would do good in its assertion of a good principle, as also by securing to this country a larger supply of grain than noble Lords on the other side contemplated, or perhaps than they considered it quite politic to avow. He believed, that it would do good by giving a more healthy commercial action to our exchanges with America; he believed it would do good to the province of Canada, and on these grounds he gave his entire and hearty assent to the principle of the bill.

Lord *Ashburton* said, that whether or not the bill deserved the praise bestowed upon it by his noble Friend. His noble Friend, by the exercise of his great Parliamentary tact, had taken care, while he approved of it, to throw out also a great deal to alarm the country gentlemen. He looked upon the bill with a totally different view; he regarded it as one of favour and conciliation to the Canadian colonies, and as one likely to do no injury to any interest in this country;—none whatever to the agricultural interest. He thought, that it would even do good to the agricultural interests, so far from being injurious to them. Looking at the subject with a view to the landed interest, and as a protector of that interest, he should say pass this bill as one likely to benefit them. What his noble Friend opposite had said with respect to the western states was perfectly correct, and no part of the habitable globe was more rich and fertile. A noble Lord said, that corn would come from New Orleans at 22s.; but this he very much doubted. The question was, what amount was likely to come from the northern ports of the lakes down the St. Lawrence, whence the noble Lord who opened the debate had shown that it could not come into England at less than 55s. The noble Lord opposite had merely endeavoured to frighten the House a little with the immense products of the valley of the Mississippi, and with the corn which was likely to come to New Orleans in the course of the next generation; but he had not touched on the material point, the price at which the corn was likely to come by Canada. It was to be borne in mind, that the population of the new states increased at a most rapid rate; when he first knew Ohio, it had a popula-

tion of 10,000, and it now contained 1,000,000. Very few newly settled countries had much food to spare for exportation. A country which imported 150,000 or 200,000 fresh mouths every year had much to do in providing for them; the increase of population prevented its having any very large surplus production. Settlers in a country for the first two years did not feed themselves, and required three or four years before they were enabled to contribute to the general stock of produce. If he thought this bill was likely to endanger the landed interest, or to trench on the protection which he believed to be the soundest policy of this country, and to which those who had invested their capital and industry in agriculture were entitled in every respect, both as a continuation of the system which had been suffered to grow up, and in respect of the burthens which had been imposed on them, he could assure their Lordships he would be the last man to vote for it. It was for them to consider whether an importation of 90,000 quarters annually at a duty of 1s. less than was now levied would justify the apprehensions which his noble Friend had laboured so artfully to excite. Upon the question of protection he had never entertained the slightest doubt. He maintained, and he had always believed, that the present system of protection by the sliding-scale was the one best adapted to the circumstances of the country; but with reference to the existing aspect of things, he confessed he looked at it with some doubt and suspicion. If it could be made out satisfactorily to his mind, that the country, on an average of crops, was not capable of feeding its population, then he should hold that the sliding-scale was not suited to its wants. If there were every year a deficiency of 2,000,000 to 4,000,000 quarters in the supply that was required, it was quite clear that the corn-dealer and importer had only to wait their time. He did not however, believe that to be the state of things in this country; it was undoubtedly true, that during the last four or five years there had been a large importation; but it was also true, that in the preceding four or five years there had been a completely adequate supply. Again, at the period of the year when the harvest was closed, a mass of corn was often thrown on the market, by the operation of the sliding-scale, at the



time most inconvenient to the farmer. This, however, could not permanently happen, unless on the certainty of an insufficiency of home supply. Suppose, what he believed to be the more probable case, that the country produced nearly sufficient for its own supply, and that the improvement of our agriculture would keep pace with the increase of population—suppose 100,000 or 200,000 quarters would make the difference, if you let in Canada corn you would keep out foreign produce. Taking merely the narrowest view, and looking only to protection, he would say, let in the corn of Canada as a protection against that which would otherwise swamp your markets. The noble Lord opposite thought he had gained a great triumph by the little bit of fixed duty which was inserted in the present bill. He was not one of those who saw any great advantage in uniformity of system. People were much given to think that either a sliding-scale or a fixed duty had some great principle in it, and that either one or the other ought to be universally adopted; but he saw no strong objection against a mixed system, varied in different places according to circumstances. He admitted the extreme importance of not too frequently changing laws of this description; but he would not refuse to do so if good cause be shown. It had been stated with all possible distinctness by the noble Lord near him, and he rejoiced to hear it, that it was the intention of Government to support those who cultivated the land. It was impossible to over-rate the greatness of this subject, which, besides its importance to the industrial interests of the country, might be said to be a great social and constitutional question, lying at the very foundation of English society. They must give protection to agriculture proportioned to the competition it had to sustain, and the charges which were laid on it; if they did not do that they would become dependent on foreign countries, which might some day lead to the most fatal consequences. This had been universally admitted until the prevalence of the new philosophical doctrines. It was acknowledged by the wisest men of all countries, and he trusted that Parliament and the country would still uphold this maxim.

Lord *Teynham* must oppose the bill, notwithstanding the pain he should have in voting against his noble Friend near him (Lord *Monteagle*) believing that it was

founded on a bad principle. They were about, by this bill, to establish a Corn-law in Canada, to do that which they were gradually undoing in this country. He could not vote for a measure containing so small a modicum of good, with so much that was evil. The country had been told, on the highest authority, that this was not a free-trade measure, and therefore he opposed it. In Canada the bill would set the various classes of the people against each other, in the same manner as unfortunately prevailed in this country.

The Duke of *Buckingham* said, had he entertained the slightest doubt as to the course he should take on this bill, the speech of the noble Lord (Lord *Monteagle*) would have confirmed him in the opinion he was inclined to form. He objected to the bill not only because extensive smuggling would take place under it, but because it afforded a precedent for a fixed duty, against which he had always voted, and which he believed would be extremely detrimental to the agricultural interests. He did not think his noble Friends near him would fly from their words, which they had repeated over and over again, that it was not their intention to make any further alteration in the Corn-law but they had set a precedent for a fixed duty, which he thought would hereafter be brought against them by noble Lords opposite, and which might eventually lead to another change into a fixed duty instead of a sliding-scale, most injurious to the interests of the country.

The House then divided on the question that the word “now” stand part of the question:—Contents 57; Not Contents 25: Majority 32.

#### *List of the CONTENTS.*

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DUKES.	Dalhousie
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Wellington	Dunmore
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Salisbury	Warwick
Bute	Delawarr
Ely	Bathurst
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Devon	Longford
Shaftesbury	Lucan
Jersey	Bandon
Morton	Rosslyn
Eglintoun	Powis
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Verulam	Sondes
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VISCOUNTS.	Dunalley
Melbourne	Redesdale
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*Paired off.*

CONTENTS.	NOT-CONTENTS.
Marquess of Huntly	Lord Lilford
Earl of Digby	Earl of Zetland
Earl of Belfast	Lord de Lisle.
Lord Lyttleton	Lord de Mauley
Lord Forester	Lord Portman

Bill went through committee without amendments, was reported, and ordered to be read a third time.

The House adjourned.

*The following Protest was entered.*

## DISSENTIENT—

"1. Because a fixed duty of only 1s. per quarter would, under the proposed measure, be payable on the importation into the United Kingdom of wheat which is grown in Canada, and which might hereafter be sent to the British market in such large quantities as would be very injurious to the home growers.

"2. Because the duty of 5s. per quarter, which at the present price of wheat and by the existing law, is now payable on Canadian wheat, would thus be reduced to one-fifth of its amount, although under the payment of that duty, and during a considerable number of successive weeks, a much larger quantity of colonial than of foreign wheat was lately entered for home consumption.

"3. Because the duties that are now payable on wheat, under an act passed in the last

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Session of Parliament are, and have been found by experience to be, utterly insufficient for the protection of the home-growers, and cannot be still further reduced without additional injustice, and without inflicting greater injuries on them and on the other industrious classes of the community.

"4. Because a still further reduction of that remnant of protection which is yet left to the agricultural classes of the United Kingdom would increase the general mistrust which now prevails amongst those who have invested their capital in the cultivation of land, and might still more depress the price of wheat.

"5. Because no Parliamentary inquiry has been instituted, and no satisfactory evidence has been obtained, with respect to the prices at which wheat can be grown in Canada, and imported from thence into the United Kingdom and without such inquiry and information Government ought not to have recommended the proposed measure, and Parliament ought not to proceed with it.

"6. Because Canada, which, like all other British colonies and possessions, ought to be treated with more favour than any foreign country, is placed under very different circumstances from those of the United Kingdom, is much less burthened with taxes, and ought not to be allowed to injure the mother country by depressing the prices of its produce in the home market.

"7. Because the proposed measure is not required for the prosperity of Canada, which would be best promoted by restoring it to those advantages with respect to its trade in timber of which it was most unjustly deprived by the new tariff.

STANHOPE.

KENYON, for all the reasons except the second.

BEAUMONT.

RICHMOND, for all the reasons except the second.

## HOUSE OF COMMONS,

*Tuesday, July 4, 1843.*

MINUTES.] BILLS. Public.—1<sup>o</sup>. Prisons (Scotland);

Cathedral Churches (Wales).

2<sup>o</sup>. Hackney and Stage Carriages.

3<sup>o</sup>. and passed:—Grand Jury Presentments (Ireland).

Private.—Reported.—Dundee Harbour; Argyllshire Roads; Lord Gray's Estate; Todhunters Divorce.

PETITIONS PRESENTED. By Mr. Thornely, from Farmers near Liverpool, for the Repeal of the Corn-laws.—By Mr. M. J. O'Connell, from Tullamore, for the Repeal of the Legislative Union.—By Viscount Duncan, from Bath, against the Coroners Bill.—By Mr. Gibson, from Nottingham, for a Clause in the Ecclesiastical Courts Bill.—From Totness, for Amending the Parochial Assessment Act.—From a number of places, against the Factories Bill, and from Brodsworth, in favour of the same.—From Huddersfield, in favour of the County Courts Bill.

THANKS OF THE HOUSE—ARMY IN CHINA.] The *Speaker* informed the  
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House, that he had received the following letter from Sir Hugh Gough,—

*"Moncara Coorg, May 10th, 1843.*

"Sir,—I have the honour to acknowledge the receipt of your letter of 20th February, transmitting me the resolutions of the House of Commons, expressing the sense of the House on my conduct, and on that of the general and other officers, non-commissioned officers and privates, as well native as European, during the several operations in China.

"I beg to assure you I personally feel the highest pride at having obtained so flattering a testimonial, and I feel quite conscious that my companions in arms, to whom, in accordance with the desire of the House, I have communicated this high distinction, will equally feel so valuable and acceptable an honour.

"Permit me to request you will convey to the House of Commons my grateful acknowledgments, as well on my part as on that of the force lately under my command; and that you will accept my best thanks for the kind manner in which you have conveyed the resolutions of the House of Commons.

"I have the honour to be,

"Sir,

"Your most obedient, humble servant,

"H. GOUGH, General."

*To the right hon. Charles Shaw Lefevre, M.P.  
Speaker of the House of Commons.*

The letter was ordered to be entered on the journals.

MERCHANT SEAMEN'S FUND.] Mr. Wallace wished to ask the President of the Board of Trade if he had taken under his consideration the complaints made by the seamen with respect to the constitution and appropriation of the merchant seamen's fund?

Mr. Gladstone said, that he was desirous that the whole question should be inquired into, and that the fund should be placed upon a system more simple, uniform, and satisfactory to all parties. It was not in its nature an eleemosynary fund.

THE DUKE OF WELLINGTON.] Mr. Blewitt : I rise most respectfully to make the inquiry of which I gave notice yesterday. It is necessary for me to state two or three facts for the elucidation of the subject, and to them I shall strictly confine myself. In September, 1841, soon after the right hon. Baronet opposite received her Majesty's commands to form an administration, a list was published, as from authority, in the *Times* newspaper, in which the Duke of Wellington was

placed at the head of the Cabinet; it being understood that his Grace had no particular duties to perform, but was to be a Member of the Cabinet. I remember perfectly well that he went down to Claremont as one of the new Ministers to pay his homage. Soon after the death of Lord Hill, the Duke of Wellington was appointed Commander-in-Chief, retaining at the same time his seat in the Cabinet. On all occasions in the House of Lords he has taken part in the debates, and has acted as the official organ of the administration; he has vindicated his colleagues, and explained the acts of the Government. On the 1st of October, 1841, a question arose as to the prorogation of the House of Lords, and the Duke of Wellington took upon himself a share of the responsibility in advising her Majesty to dismiss the Parliament for a time. A day or two afterwards, his Grace spoke of his colleagues in the House of Commons, and on many subsequent occasions he employed similar language. It is to be observed, also, that he attends all the meetings of the Cabinet Council, and I may presume that he takes part in the deliberations of that body. On Saturday last, it sat for four hours, and no doubt the question before it was one of importance. Such appears to be the ostensible position of the Duke of Wellington, and I now wish the House to hear what he himself thinks of that position. A few days ago, Mr. Mulock addressed a letter to the Duke of Wellington, which his Grace acknowledged in the following terms:—

*London, June 15, 1843.*

"Field Marshal the Duke of Wellington presents his compliments to Mr. Mulock. As it appears that Mr. Mulock has addressed the minister, the Duke concludes that he will give him an answer. He is one of the few men in these days who does not meddle with questions over which he has no control."

About the same time a Mr. Espy, the Secretary of an association in Dublin, transmitted an address from the society, and the Duke of Wellington acknowledged it in this way:—

*June 15, 1843.*

"A society or association in Ireland should address the Lord-lieutenant, or Chief Secretary of the government of Ireland, and not the Commander-in-Chief of the army, who never interferes in any affair over which he has no control."

This note reminds me of a letter which

the Duke addressed to a deputation from Paisley, in October, 1841, which came up with the express purpose of soliciting an interview with his Grace, respecting the unparalleled distress prevailing in the town. The deputation, on its arrival, requested that interview, but the Duke sent them an evasive reply. The deputation repeated their request, when the Duke sent them the following letter :—

*"London, October 30, 1841.*

"Field Marshal the Duke of Wellington presents his compliments to the members of the deputation from Paisley.

"It is true that the Duke returned to town the night before last, in order to attend at Buckingham-house, when her Majesty will be confined.

"The Duke's time has been, and will be, much occupied while he will be in London, and he must again decline to receive the deputation from Paisley.

"He pays every attention it is in his power to give to the distresses at Paisley, as well as elsewhere.

"A meeting to discuss them is not necessary in order to draw his attention to those distresses, and his other occupations render it necessary that he should decline to receive the deputation.

"He begs the deputation to observe, that he is not in the Queen's political service, that he does not fill any political office, and exercises no power or authority.

"The members of the deputation from Paisley."

The deputation wrote a reply to the Duke of Wellington, from which the following is an extract :—

*"November 1, 1841.*

"Whatever may be the nature of the appointment your Grace may hold as a Member of the Cabinet, we, as a deputation, and the whole country, consider your Grace one of the most influential of her Majesty's advisers, and one of the principal heads of the Government. We feel justified in entertaining this opinion from the public declaration lately made by your Grace from your place in the House of Peers, that 'you would take on yourself the responsibility of advising her Majesty to prorogue Parliament.'"

I believe that the Duke sent no answer to this remonstrance from the deputation, which left town without being able to obtain an interview. I think I have stated enough to show that I have been justified in putting this question on the paper, and I, therefore, beg respectfully "to call upon Sir Robert Peel to explain to the House and to the country what is the political position of his Grace the Duke of Wel-

lington; whether his Grace is or is not in the political service of the Crown, subject to Ministerial responsibility, and possessed of any and what control over the administration of public affairs."

Sir R. Peel: I shall attempt to answer the question of the hon. Gentleman as respectfully as he has put it. With respect to the political position—that is, the official position—of the Duke of Wellington, I have to state that he is Commander-in-Chief of the British army. He is so far in the political service of the Crown that he is one of the privy councillors, honoured with the immediate confidence of her Majesty, constituting what is popularly called the Cabinet. As a Member of the Cabinet he is responsible for any advice he may offer. As to the control possessed by the Duke of Wellington, I should say that he has great control over the administration of public affairs—that is to say, that control which is implied by a willing deference to any opinion the Duke may offer, either upon civil or military affairs. I am sorry that the hon. Gentleman has been put to so much trouble in collecting the minute facts with which he has favoured the House, in order that it may be justly inferred that the Duke of Wellington is a Member of the Cabinet, because if he had asked me the question, I should have had no hesitation in at once avowing the fact; and in stating, on my own part, and on the part of every Member of the Government, that we are most proud to have the Duke of Wellington for a colleague. Has to the letters and communications, the hon. Gentleman has read, they amount to no more nor less than this, that the Duke advises those who have business with particular departments to address themselves to those departments. I apprehend, that from general confidence in the integrity and judgment of the Duke of Wellington, his Grace is overburthened with correspondence on matters over which he has no immediate control; therefore, he refers the writers to the heads of departments who, after due inquiry, are able to give an opinion. I cannot answer for the accuracy of any of the letters published, but I am quite sure that the Duke of Wellington as a Minister of State did not mean to say that he was exempt from responsibility, or that he did not exercise a control becoming his age, rank, and station; all that he meant was, and I myself follow that course, that when



persons address him on matters belonging to the Secretary at War, or any other department of Government, he earnestly begs leave to refer them to the heads of those departments who are able to inquire into the grievance and to redress if it be found to exist. The Duke of Wellington refrains from meddling with matters with which he has no concern, and over which he has no control, and perhaps, the hon. Gentleman himself might have profited by the example.

STADE TOLLS.] Mr. *Hutt*, in bringing forward the motion of which he had given notice, said he could not allow another Session to pass without calling the attention of the House to a question so intimately connected with the interest and prosperity of our merchants and shipowners. There was no excuse for the delay which had been exhibited in dealing with this affair. It was only necessary that the Government should have followed in the steps of their predecessors, and should have carried out with vigour the measures begun by his noble Friend, the Member for Tiverton, to have ensured the settlement of the question long ago. They had now waited two years, and the matter had not advanced a step; for the Government had in fact abandoned all rational attempts for bringing it to a satisfactory conclusion. It was a question of the greatest importance, the House was probably not aware of its intimate connection with our commercial prosperity. The United States alone excepted, Germany was the country to which the greatest amount of our exports went. During the past year, notwithstanding the depression of trade, the declared value of our exports to that country amounted to between 5,000,000 and 6,000,000, five-sixths of which passed into Germany by the channel of the Elbe, and this fell under the operation of the Stade dues. The Government would not dispute the injurious effects of such a toll on British trade—nor could they deny, that at least in the extent in which it was levied, this toll was illegal. Well then, why had the Government not interfered to remove it? There it remained exactly where it was when the present Government took office, and all the consolation which the right hon. Baronet could give him in reply to a question put by him not many days ago, was an expression of his sorrow, that he could not give him the slightest notion when this

evil could be removed. Here was a petty state of Germany, year after year levying arbitrary imposts on our merchants, accompanied with various acts of insult and oppression, yet the British Minister was not only unable to afford them any redress, but could not give them any assurance, that the grievance would ever be discontinued. It was high time that Parliament should be put in possession of the correspondence between her Majesty's Government, and the Crown of Hanover on the subject. If they were to be so humiliated—if they were to be sufferers to so great an extent in this matter—for God's sake let them know the reason why. Why did the Government not pursue in reference to this question, as they had in regard to so many others, the policy of their predecessors? Was it said, that they did not approve of that policy? A few months ago it was declared, that they did approve of it, and one of Lord Aberdeen's first acts on coming into office was to declare to the states bordering on the river Elbe his adherence to the policy of his predecessor, in regard to the Stade toll; and in order that there might be no mistake in the matter, the noble Earl transmitted to them an important despatch of the noble Lord, who preceded him in the Foreign-office, thoroughly explanatory of his views. This announcement was hailed by the north of Germany with feelings of the greatest satisfaction. A distinguished individual, holding a high situation at Hamburg, writing to inform him (Mr. Hutt) of the fact, alluded to this circumstance as a proof of the greatness of this country. For," said he, "it matters little what set of public men are in the Ministry, or what party is uppermost, the great interests of your country are always steadily pursued." Having made this formal communication, Lord Aberdeen appears to have changed his mind as to its propriety. He rejected Lord Palmerston's policy, and commenced negotiations with Hanover on a policy of his own. A treaty was then proposed by Hanover for our approval, he was happy to say, it was rejected; but the Government having rejected this treaty, and having declined to pursue the policy of his noble Friend, the Member for Tiverton, seem to have come to the end of their wisdom. They knew not what course to propose; but, hearing that the states bordering on the Elbe were about to assemble at Dresden, they determined—the British Government determined—to apply to the petty states of

Germany to redress the grievance. Was this the way, he would ask, to uphold the dignity and character of the British nation? The plan was as futile as it was undignified. Was there a rational man who entertained a hope, that by such means the matter could be brought to a satisfactory termination? If the states bordering on the Elbe could have settled the matter, it would long since have been brought to a settlement. In Germany, the project excited universal ridicule. The Government proposed to the state of Hamburg, by whose means its wishes were conveyed to the Elbe commission, to make a suggestion as a basis of a settlement, not only at variance with the views of the noble Lord (Lord Palmerston) but at variance with the treaty of Vienna. The proposition was rejected by Hamburg, with something approaching to scorn. No settlement was, therefore, made; the matter was left to Providence; and the King of Hanover continued to collect his black mail from British merchants, and the British Government offered no opposition. Year after year this state of things was allowed to continue injurious to our commerce and dishonourable to our flag. The Government declared that they could not mend the matter. Under these circumstances, he appealed to the House, whether it was not high time to take measures to redress so notorious a grievance? Was it ever to come to an end? He trusted he should meet the independent support of all those hon. Gentlemen opposite who were alive to the interests of their country and preferred its welfare to any party considerations. It might probably appear to some, that the supporters of this motion were actuated by feelings of hostility to the King of Hanover. From such a charge, he (Mr. Hutt) must at least claim exemption for he had brought forward this question long before his present Majesty ascended the throne of Hanover, with as much zeal and earnestness as at the present moment. He begged, moreover, the House to bear in mind, that he had attended in his place last Friday, for the purpose of recording his vote in opposition to the motion of the hon. Member for Montrose, having for its object the discontinuance of the allowance made to that monarch by this country. He was no admirer of the King of Hanover. In his opinion, the tenacity with which that Sovereign clung to his pension, was sufficiently degrading, and quite enough if there were no other case to justify the hostility and

alienation which prevailed towards him in this country. Still he considered that Parliament could not honorably withhold it, and he had voted very contrary to the popular wish—for continuing the pension of the King of Hanover. While, however, he felt bound to secure to him his just rights, he would take care that he got nothing more. He would do all in his power to prevent him from levying year after year, contributions on our commerce a thousand times more mischievous to British interests, than the annuity under consideration on Friday last. If the House would give him its support on the present occasion, the Government would at last be roused from their lethargy, and compelled to take the necessary steps for vindicating the honour and protecting the mercantile interests of this country. The hon. Member concluded by moving,—

“That an humble address be presented to her Majesty, praying that she will be graciously pleased to direct that there be laid before this House, copies of any correspondence which may have taken place between her Majesty’s Government and that of Hanover, relative to the taxes levied on British commerce and navigation in the river Elbe, under the name of Stade tolls.”

Sir J. Hanmer seconded the motion. The hon. Member for Gateshead, had been long known as careful of every thing that fostered the interests of the country; and as the hon. Member’s successor, he might justly say he had found his merits appreciated by his constituents. The question had been argued before, and was perfectly understood by Parliament and the country. The vagueness of the tolls, the pretensions on which they rested, and the general inconvenience which the commerce of this country suffered from them, were recognised, and what they now desired to ascertain was, the steps which had been taken to relieve British commerce from this burthen, which it was rather extraordinary to find existing in this year, 1843, considering the long connexion of Hanover with this country. He thought it was high time that the Government should explain what was the condition of the negotiations, and what was the hope of their being brought to a speedy and satisfactory termination.

Mr. Gladstone was perfectly satisfied with the honour and the candour of the motives with which the hon. Gentleman pursued his object, and he was glad he was



able to think better of the spirit with which the hon. Gentleman was animated, than the hon. Gentleman did of the Government; for he fully acknowledged that the hon. Gentleman had no other object than the public interest in view in bringing forward this motion, which had no reference to party feeling. Still he thought the House would find a difficulty in acceding to the motion which had now been suggested by the hon. Gentleman, and that it would be very easy for him to show—without giving any opinion on the merits of the case itself—that it was a motion which the House ought not to entertain. There were, however, a few of the incidental statements of the hon. Gentleman on which he would offer a few words. The hon. Gentleman said, that the Government found that when they took office in 1841 the elements of a satisfactory arrangement. That allegation, however, was susceptible of two interpretations. No doubt many of the elements were satisfactory to one party. It was true that her Majesty's Government did, on coming into power, find in the Foreign-office a clear and able statement, of the view which the noble Lord took of this question, and which limited the right of Hanover to 1-16th per cent., pursuant to the convention of 1791, and the noble Lord declared, absolutely and strongly, the determination of the previous Government to negotiate only on that basis; but so far from any progress being made towards a concurrence, Hanover objected to the arrangement of the noble Lord, and repudiated it without hesitation. There was no approximation between the parties, and no pledge that either would abate anything of its extreme claims, so that they were as far apart as possible. Without casting any blame upon the late Government—and this was not the time or the place to discuss the point—he must remind the hon. Gentleman who complained of these matters having been two years under discussion, that for many more than two years, or even than ten years, this question had been made matter of discussion between the two Governments; and if the only topic for discussion now were the division of the censure and crimination and recrimination between the late and the present Government, he thought he could show that only a small proportion of the blame would fall upon the present Government. He

had no intention, however, at that moment, of making any charge against the preceding Government, for even if he could make his charge good, it would not avail him as a vindication of the conduct of the present. The hon. Gentleman said next, that no progress had been made in this question, and he represented the head of the Government to have made a statement which, if it had been represented accurately, must have been most unsatisfactory to the hon. Gentleman and to others interested in the commerce of this country. The hon. Gentleman said, that his right hon. Friend had declared he was sorry to say that he had not the slightest notion when the evils which pressed upon British commerce with regard to the Stade duties would be remedied; and also, that he was utterly unable to give any assurance that the grievance would ever be discontinued. Now he had attentively listened to all that had passed in the House, and the hon. Gentleman had certainly been misled by the warmth of his zeal for British commerce into a declaration which did not correspond with the real state of the fact. Yet the hon. Gentleman had founded his motion on these very words, and it would be a ground, if it were true in point of fact, quite sufficient for enquiry. If the Government had not the slightest notion when the evil would be remedied, and if he could not give any assurance or guarantee to the House that it would ever be discontinued, then it would be perfectly open for the hon. Gentleman's Government, having declared the case to be hopeless, to call upon the Parliament to take part, and to vindicate the rights and interests of British commerce. But no such declaration had ever been made by the British Government; on the contrary, there was nothing in present circumstances which made them think there was a hopeless difficulty attending the settlement of this question. He admitted that this was a serious matter, affecting the interests of British commerce. Still he could not admit that there was anything discouraging in the present state of the negotiations. In explanation of what had taken place he would briefly, but emphatically, say that nothing had been done with the petty states of Germany, or with the great states of Germany, which impaired in any manner, the liberty, or tied the hands of the British Government. There was

no pledge given or implied that this country would abide by the decision of the Congress. The British Government would use their own free and independent action if the course taken by other countries did not agree with the interests of our own. When the late Government were in and their arrangement, on which alone they declared they would negotiate, was rejected, there seemed to be no alternative except the miserable expedient of force. When they considered how much the commercial departments of the present Government, and how much the time of his right hon. Friend had been occupied during the last Session, he thought that the Government deserved credit rather than otherwise for having made any progress. Still, however that might be, progress had been made. The parties had arrived at the point where they could not agree. The hon. Gentleman might be assured that, by the suspension of the negotiations, in consequence of the conference at Dresden, the Government did not bind itself to abide by the decision there; neither did it tie itself up not to renew the negotiations. It reasonably appeared to her Majesty's Government that if the Elbe bordering states should adopt such a line of conduct as corresponded with the interests of this country, there would be a hope of arriving at an universal settlement of the question, which would not be the case if we alone made an arrangement. It would not be difficult for him to justify the proceedings of the Government with regard to the Elbe-bordering states. There was nothing to impair the free exercise of the powers of this country. But, then, it was said that the Government should not be satisfied to leave the matter for consideration or discussion by the Elbe-bordering states, and that if they did there was no hope of a speedy issue. He was not aware that there was anything in the character of the German nation which so disqualified them from giving an opinion upon political or commercial questions or which would make it impossible to arrive at a satisfactory adjustment; on the contrary, he believed that, by this discussion, they would be better able to do justice; for he believed that, as the German states were large importers of goods, and these dues heightened the price of articles, they would assist in requiring their diminution. If the Government were not satisfied with the part

taken by those states, they would be willing to resume negotiations; indeed, he had hoped that he would have been enabled that very day to communicate something to the House in reference to the resumption. Mr. M'Gregor, our able consul at Elsinore, who was known to the world as an efficient officer, had attended the conference at Dresden, not to take any part in the proceedings, but to give any friendly aid or advice of which he might be capable. The Government, however, had now taken the matter into their own hands, and had recalled Consul M'Gregor, who might, by the course of the post, have been home that evening, but being at the time he received his recall engaged with some matters of detail which were of value to the commercial interests of the states, he had not yet arrived in this country, though he might be daily expected. The hon. Gentleman would, he was sure, agree in the course taken, and that her Majesty's Government could not take any definite step till they had been in communication with Consul M'Gregor. This was the only bar to the active resumption of communications with Hanover on the subject; and though this was not the time or the place for vindicating the conduct of the Government, he agreed that British commerce had a right to demand a promotion of its interests, and that the vigilant and sedulous attention of the Government ought to be given to the matter. He had admitted that negotiations ought to be continued to bring about a speedy settlement, and after what he had said, he did not think the hon. Gentleman would be surprised if he declared this was not the time when the House should be called upon to vote "an humble address to her Majesty, praying that she will be graciously pleased to direct that there be laid before this House copies of any correspondence which may have taken place between her Majesty's Government and that of Hanover, relative to the taxes levied on British commerce and navigation in the river Elbe, under the name of Stade tolls." All the objections to the premature disclosure of negotiations in progress applied to the motion of the hon. Gentleman, and he did not think that the prospects of British commerce ought to be painted in such dismal colours as the hon. Gentleman had painted them.

Mr. *Labouchere* said, that the hon. Member for Gateshead, who had before



conferred much service on commercial interests, had conferred additional obligations on those interests by bringing forward this motion upon the present occasion. He had listened with considerable anxiety to the speech of the right hon. Gentleman, for the former communications to the House had left the question in an unsatisfactory position, and his anxiety upon the matter had not been lessened by the speech of the right hon. Gentleman. Some things had come out in the course of the right hon. Gentleman's speech which afforded grounds for apprehension to one who had watched most anxiously, as he had done, the progress of this question. It appeared, that the Government had departed from the principle laid down by his noble Friend the late Secretary for Foreign Affairs, in which this country required as the basis of negotiation that the duties should be fixed at a maximum of 1-16th *ad valorem*. He knew that his noble Friend had come to that determination after great consideration, after long research, and after full consultation with those who were able to give an opinion. Thus the hon. Member for Gateshead had stated it, and it had not been denied by the right hon. Gentleman the President of the Board of Trade, that the Government had originally adopted the views of his noble Friend, and that Lord Aberdeen had written a despatch to that effect. He was satisfied that unless some simple plan were adopted as a basis, the negotiations would be almost endless; and he regretted to hear the right hon. Gentleman treat his noble Friend's as an extreme view of the case, and say that the Government was prepared, on the part of England, to abandon it. He feared, therefore, if any progress had been made in the negotiations, that it had been purchased by an abandonment of the rights and interests of British commerce. He agreed also with his hon. Friend the Member for Gateshead in thinking it most unfortunate that her Majesty's Government, instead of carrying on the negotiations with Hanover continuously, should have allowed any agent to attend the conference of the Elbe-bordering states at Dresden, watching what might turn up there, and suspending all negotiations in the mean time. He was the more surprised at this, knowing the position taken up by Hanover, that the Stade dues were not a river duty, but a sea toll. If this were true, what could the river-bor-

dering states which met at Dresden have to do with it? for their whole power, by the Congress of Vienna, was limited to river dues. How the Government could treat these as river dues, and allow the river-bordering states to discuss them, he did not know. To allow those states to settle the question, and to send Mr. M'Gregor to the congress, was one of the most extraordinary ways of conducting the public business he had ever known. The question mainly rested with the department for foreign affairs. He was not aware that this department was over-burthened with labour during the late Session; and he could, therefore, find no excuse for the delay. He could not help thinking that this shilly-shallying—one day adopting the principle of his noble Friend of 1-16th *ad valorem*, and the next day giving it up—at one time negotiating directly with Hanover, and then suspending negotiations and waiting for the conference at Dresden, to see what could be got there—must produce the effect upon Hanover of making her believe that we were not serious. If this mode were to go on till this Government had satisfied the Hanoverian government, this gross imposition on the commerce of this country—this unjust interpretation of the treaty would go on, and the question would be drawn out *ad infinitum*. It should be recollected that the party with whom we were dealing had a great interest in the delay. The King of Hanover was in possession of those lucrative tolls, and he was well satisfied that the British Government should go to Dresden and Hamburg, whilst in the meantime the tolls went into his treasury. He was glad to find that the Government had a full sense of the importance of the subject, and that it was desirous to effect a speedy settlement; but he felt that if the negotiation now to be recommenced were not conducted with better spirit, that a steady and satisfactory conclusion was not at hand. The commerce of the country had been for a long time injured by the Stade tolls, and, at any rate, he for one thanked his hon. Friend the Member for Gateshead for bringing forward his motion—the notice taken of the matter by the House could not but do good.

Mr. Ewart said, the President of the Board of Trade, had not told the House what the Government would do, and even refused the correspondence. He was

sorry to say that the proceedings of the foreign department of our Government had not been marked by energy and vigour; that it had been marked by a system of vacillation the most unsatisfactory to the parties interested. He believed if the objections to the production of the whole of the correspondence existed, there were parts of it which might be fit for public inspection; and if the hon. Member should press his motion he should support it.

Dr. Bowring could not help thinking that the tone and spirit of the proceedings of the Government, in reference to this matter, were such as were to be deeply deplored. The tolls which were demanded were most humiliating to the English merchant and passenger, were most annoying and vexatious to those who were exposed to them. He thought that the *ad valorem* duty of 1-16th would be paid with satisfaction; but at the same time he thought that the King of Hanover was not entitled to the toll at all; that the claim was altogether untenable: and he believed that when the Government came to the settlement which was proposed—a settlement granted by this country with great liberality—from that time the question would be settled.

Sir Robert Peel felt that the Government could not, consistently with their duty, enter at large into this discussion, and he hoped that as this negotiation was not concluded, the House would give the Government that confidence which they had not forfeited, and which the House had been hitherto disposed to give them. He did not contest the principle on which hon. Gentlemen opposite contended that this dispute should be brought to an end. He did not think that any prejudice should be raised against the King of Hanover on the ground of the pension which he received, but, on the other hand, he should contend that the peculiar relations existing between this country and that Sovereign did not entitle him to require from Great Britain any concession of her just rights. At the same time, however, he thought that before this country resorted to their extreme right—an application to force—they ought to be perfectly satisfied of the justice of their claim. There was no doubt that this country might compel obedience to their demands, on account of the superior power which we possessed; but it was that very

power which ought to make this country reluctant to apply that force, unless convinced of the justice of their claim. The hon. Gentleman had complained of the delay which had arisen in the settlement of this question. He admitted that British merchants had a right to be impatient for that settlement. The present Government had not yet effected any satisfactory adjustment of the subject. Terms had been proposed by the Government to Hanover, which had been acceded to; it had been felt from the outset that it would be of great importance that there should be a settlement of the whole question rather with a view to general commercial purposes, than with a view merely to the particular interests of this country. With such an object, there was no doubt that it was desirable that the claims of Great Britain should be postponed, in order that the interests of all nations should be adjusted; while on the other hand it could not be denied, that the general settlement of the question would conduce to the advantage of Great Britain. The noble Lord the Foreign Secretary had attempted to effect a distinct arrangement on the part of this country, but the King of Hanover had declined to accept the terms offered. The question was then taken up by the bordering states of the Elbe, but this country had never been bound, nor had ever admitted itself to be bound, by any arrangements they might make. The interests of many of those states were adverse to our own, and there was nothing more absurd than to suppose that we could pledge ourselves to abide by their arrangements. We were, on the contrary, perfectly free from all obligations on account of any arrangements which they might make, and we were perfectly at liberty to treat for ourselves; and we were, therefore, in a position to make such arrangements as should be most consistent with justice and with the interests of the commerce of this country. It was certainly of the highest importance that we should have an accredited agent on the spot during the negotiations; and whatever opinions hon. Gentlemen might have formed, great weight was due to any representations which might be made in respect to the interests of the commerce of this country, or to the general arrangements on the subject by the Government, who had been entrusted with his duty. He could



only repeat that we had never been committed by any acts of the Elbe-bordering states—that we had never considered ourselves identified with them; he believed that an onerous tax was imposed on our commerce by the Stade dues—that it was fit that some satisfactory adjustment of the question should be made. He regretted the delay which had arisen, but contended that the Government was not in any sense responsible for that delay, and was not open to the reflections which had been cast upon it in consequence of its occurrence. The subject was one which should occupy the attention of the Government, but he must resist the motion of the hon. Gentleman, and if he should persist in pressing it, he trusted that the House would, by a considerable majority, negative his proposition.

Viscount *Palmerston* confessed that nothing could be less satisfactory to his mind than the course taken on this occasion by the Government, except that which they had pursued in reference to these tolls. He thought that the Government had given a great many very bad reasons for not producing the papers moved for by the hon. Member for *Gateshead*, and had made a great number of very indifferent statements of the steps which they had taken in the course of these negotiations. He should like to know whether the statement of his hon. Friend was true. He had stated that when the present Government had come into office, the first step which they took was to declare that they had adopted the views which had been followed out by their predecessors; but neither the right hon. Gentleman the President of the Board of Trade, nor the right hon. Baronet who had just sat down, had admitted or denied this statement. As this was so, however, he was entitled to suppose that the proposition was true, and he must say that if it were, if the British Government, in the full belief that it was their duty to act upon those views, had submitted to further injustice, they had been guilty of the greatest injustice to their own country. He maintained that in the correspondence which had taken place before the late Government had gone out of office, it had been established that Hanover had no right whatever to levy any greater duty than 1-16th per cent., and if the right hon. Baronet stated, that it

would be inconvenient for the Government to produce the whole of the correspondence which had passed since they came into office, he begged that they would lay on the Table of the House, at least so much as had passed previously to the retirement of the late Government, which would exhibit, on the one hand, the view taken by Hanover, and on the other, the British refutation of that view. It had been said that a part of the delay which had arisen, lay at the door of the late Government; undoubtedly some years had elapsed before they had taken up the case, but even the present Government admitted, that when they had done so, they had not allowed any unnecessary delay to occur in their proceedings. It was, therefore, very different from the fact of such delay having taken place, that the present Government should not yet have brought this matter to a satisfactory conclusion. The right hon. Gentleman the President of the Board of Trade had stated, that the matter had made very considerable progress, for that, in the first place, there were various matters in dispute, but that now they had arrived at a point on which they could not possibly agree. It did not seem to him, he confessed, that this was a very satisfactory progress. The right hon. Gentleman had found the case in a position in which there was a disagreement, and after a year and a half he declared that great progress had been made, for that they had come to another point, at which they could not agree. He could not agree in any proposition of compromise, for he could not admit that in a case in which the commercial interests of the country were concerned, and in which the British Government possessed proofs that their claim was founded in justice, we ought to meet the King of Hanover half way in our concessions, because he insisted on that which he was not entitled to maintain. Then what had been done? It appeared that the King of Hanover had persisted in rejecting our claims. He was ready to acknowledge that his Majesty had not admitted the justice of our reasoning; but when the late Government was in office they had refused to give up the point on which they took their stand. But this being so, the Government had chosen to suspend the negotiations, to await the result of the negotiations between the King of Hanover and the Elbe

states. He was at a loss to understand the grounds on which that result was looked for. It was not admitted by the present Government that this was a river toll; the King of Hanover had always denied that it was, and that denial had been repeatedly asserted in the correspondence which had taken place. Then, this being so, what authority, he asked, had the Elbe commission to settle the question? The Government denied also that they were bound by this commission, and admitting this, they had assumed a most unbecoming position in suspending their negotiations with a view to its decision. If their proceedings did not interest us, was it fit, he asked, that we should have sent an agent to watch them; if they did, ought we not to have sent a man competent to act for us, and to represent our interests? We had, however, sent Mr. M'Gregor without power or authority, without any character except that of a watch over the proceedings of a body whose determination the Government professed to repudiate. Then it was said, would it not be better that this question should be set at rest in reference to the interests of all nations, rather than with regard to this nation only. He totally differed from this proposition. He saw no advantage in any such course of proceeding. That which he complained of was a burden on British commerce. He presumed that the Government were not going to set themselves up as the champions of other nations; if they were, it was a pity that the commercial interests of other countries were not placed in more active hands. All that the Government had to accomplish, in his opinion, was to relieve this country from those burthens to which it was exposed. The conduct of the present Government in this matter presented a great contrast to that of her Majesty's late Government in reference to the Sound dues. Denmark had for a long period of time continued to demand tolls of an undue amount. The Government entered into negotiations with that country; they had shown to demonstration that the tolls demanded were not only higher in amount, but more vexatious in the mode of collection than was justified by any rights which Denmark possessed, and Denmark acted with honour and propriety. Unwilling to persist in wrong, in the most creditable manner it acceded to our representations, and

lowered the tolls in conformity with that which we showed to be a just rate of duties. The present Government, however, had been unable to procure any settlement with Hanover; no prospect had been held out that the King of Hanover was prepared to admit our rights; but, on the contrary, the right hon. Gentleman the President of the Board of Trade had made a most ominous statement in his speech, that the Government was prepared to make great concessions of our rights, and that if the King of Hanover should consent to make the sacrifice required of him, an adjustment might be looked for. The right hon. Baronet had said that the papers for which the hon. Member had moved could not be produced. This was a statement made by a Minister of the Crown, to which the House was bound to give effect, and he trusted that the hon. Gentleman would not persist in taking the sense of the House on this subject; but he would entreat the Government to consider whether, although they could not produce the whole of it, they would not lay on the Table that portion of the correspondence which contained the statement of the claims on each side. He was sure that, although the hon. Member might withdraw this motion, the Government would be thankful to him for this opportunity of expressing their intention to maintain the cause of this country; they must feel that the strong manifestation of feeling on the part of the House upon the subject would strengthen them in the part which they must take in any negotiations which might be pending. He trusted that the Hanoverian government would not be misled by any consent of the hon. Gentleman to allow this motion to pass by default, with an apprehension that that House did not watch this matter as one deeply interesting to the commercial relations of this country.

Mr. *Hutt* expressed his intention to adopt the course recommended by the noble Lord.

Motion withdrawn.

STATE OF IRELAND.] Mr. *W. Smith O'Brien* spoke as follows.\* I rise, Sir, to move,—

"That this House will resolve itself into a committee, for the purpose of taking into consideration the causes of the discontent at pre-

\* From a corrected report published as a pamphlet by J. Brown, Dublin.



sent prevailing in Ireland, with a view to the redress of grievances, and to the establishment of a system of just and impartial government in that part of the United Kingdom."

I have undertaken, perhaps somewhat presumptuously, to set forth the causes of the excitement by which Ireland is at present agitated, and to invite the House to the consideration of those measures of redress by which alone, that agitation can, in my opinion, be effectually suppressed. I do not intend to make a party speech—much that I have to say will not be acceptable to either side of the House. I cannot, therefore, expect a favourable audience; but I shall feel deeply obliged, if a fair and patient hearing should be accorded to me by your kind indulgence. I stand here to-night, to arraign the British Government and the British Parliament, for having misgoverned the country to which I belong. I make this charge not on the part of those who delight in agitation. Were I to speak in their name, I should render to you their most hearty thanks for having, by the course which you have pursued, effectually promoted the objects which they have in view. I appear, on this occasion, on behalf of the class to which I myself belong—on behalf of those who cherish no other desire than to lead a tranquil life in their native land, (I will repeat the sentiment, although it was derided when I used it on a former occasion,) surrounded by a happy and contented population, in the full enjoyment of the free institutions of Great Britain. If I had brought forward this motion two months since, as I then intended, I might have had some difficulty in awakening the House to a sense of the irritated state of feeling which at present prevails throughout Ireland. The course of events has rendered superfluous this part of the task. The House and the public of England are now fully alive to the formidable character which the Repeal agitation has assumed. They have seen the perfect organization which exists amongst the people of Ireland—they have seen, that in three provinces, fifty thousand men can be called together on a notice of forty-eight hours, at any appointed spot—they have seen the receipts of the Repeal treasury rising from 500*l.* to 3,000*l.* per week—they are aware that not only are the poorer and less instructed masses of the population involved in this movement, but, that it also embraces

nearly the whole body of the middle classes of the Roman Catholic persuasion, as well as a large number of Protestants; and, that the Roman Catholic clergy, with only a few individual cases of exception, take part in or countenance its progress. It is true, that the aristocracy and landed proprietors, Catholic as well as Protestant, still, for the most part, stand aloof from this agitation; but, be assured, that unless your policy be speedily changed, they will not long consent to remain as units, divested of influence in the midst of the population by whom they are surrounded. It is true also, that the majority of the Protestants have hitherto forborne to co-operate in this movement; but, as there no longer exists any cause for dissension with their fellow-countrymen, no one can tell how soon the moment may arrive when they will make common cause for the restoration of the national Parliament of Ireland. The first question, then, which, under such circumstances, naturally presents itself, is—to what cause may be attributed the present attitude of affairs in Ireland? I know, that there are some superficial observers, who imagine, that this mighty confederation is solely the work of one man. I am the last person who would depreciate the power of Mr. O'Connell. I admit the matchless energy of his character, I acknowledge the influence which he has obtained over his countrymen by his long services, and by his perfect mastery of every chord which can touch their feelings, or govern their conduct; but, were he possessed of superhuman faculties, they would but little avail to produce such gigantic results, unless he were aided by the conviction of the national mind, as well as by the peculiar circumstances of the social condition of Ireland. To an English audience, Mr. O'Connell might for ever harangue upon the expediency of dissolving the Union, without producing a desire for its repeal; because he would be unable to convince them, that it has been productive of injury to this country. On the other hand, many of those who are now embarked in this great enterprize, are men as calm in their judgment, as capable of discovering the true interest of their country, as little disposed to revolutionary excesses, as any Member whom I now address. I do not know, that I can better illustrate the tone of feeling which prevails amongst a large portion of the

intelligent classes in Ireland, than by reading to the House a letter, upon which amongst many others of a similar character, my attention has happened to rest. It is written by the Roman Catholic bishop of the diocese of Ossory, in reply to a communication by which he was invited to attend a meeting for promoting the Repeal of the Union:—

“Dear Sir—I was just leaving Kilkenny when I received your letter, requesting me to attach my name to a requisition for a Repeal meeting. The matter was too important for me to decide at the moment.

“I have always felt, that the very serious and onerous duties of my profession, left me but little time for matters of a nature purely political; and I have still so much reluctance to embark in political agitation, that I must beg most respectfully to decline signing the requisition you have sent me.

“But I hope my feelings on the present subject will not be mistaken. I have always believed that domestic legislation must, of its own nature, be the best means of promoting the happiness of a nation; and daily experience convinces me, that the serious evils under which Ireland labours, cannot be so easily removed by those who are ignorant of their causes, or indifferent to their results. Besides, I cannot but feel, that Ireland is not fully represented in the Imperial Parliament. It is to be deplored, that when the enthusiastic exertions of the Irish people, and the patriotic firmness of the Irish representatives, carried the Reform Bill against English majorities, Ireland did not receive her fair share of the advantages then obtained.

“It does not appear to me, that she has her due proportion of representatives in Parliament. She certainly has not a Parliamentary franchise equal in all respects to the English franchise; and, of course, she has not any thing like a proportionate number of Parliamentary electors.

“Under such circumstances, we cannot wonder, that the wants and wishes of the Irish people, even when made known by a large majority of Irish Members, are frequently treated with neglect, if not with contempt; and while such a system is pursued, it would be vain to expect that a loyal and high-minded people would abstain from seeking, by legal and constitutional means, that equality of civil rights which has been so often professed and promised, but not yet fully granted to this country.

“I have the honour to be, dear Sir,

“Very truly yours,

“*WM. KINSELLA.*”

“JOSEPH HACKETT, Esq.”

Is there anything in that letter which is unworthy of a Christian Bishop, or of a sincere lover of his country? Yet its

writer arrives at the conclusion, that the interests of Ireland, require the restitution of its domestic legislature. I would further ask, those who believe that the agitation for the Repeal of the Union owes its vitality solely to the influence of Mr. O'Connell, how they account for the universal sympathy which prevails amongst foreign nations throughout the civilized world, all of whom, without exception, regard Ireland as suffering under oppression, and applaud every indication of a disposition to recover its national independence. For my own part, I am deeply convinced that the present demand for a Repeal of the Union is not a mere unreasoning clamour, raised to serve the purposes of Mr. O'Connell, or of any knot of individuals, but, that it results from the deliberate opinion of thousands of intelligent men, who have sunk into a feeling of settled despair of obtaining good government for their country through the instrumentality of British legislation. I am persuaded, that an increasing conviction has gradually obtained possession of the public mind in Ireland, which leads many to believe, that the interests and happiness of their country would be promoted by the restitution of self-government under the British Crown, in friendly connexion with the remainder of the empire. In arriving at this conclusion many natural feelings must be overcome—many objects of legitimate ambition must be surrendered. There is scarcely a family in the kingdom which is not united with this country by domestic ties? and the people of Ireland may well feel a pride in the greatness of your empire, when they reflect how much they have contributed to its extension. What then are the causes of that universal discontent which has found its expression in the present agitation for the Repeal of the Union? In seeking to develope these causes, I must content myself with merely adverting, in a summary manner, to the various elements which contribute to the general result. In endeavouring to penetrate the feelings of a people so sensitive as the Irish, it is not enough to consider whether the last act of injustice of which they complain is sufficient to produce the dissatisfaction which we witness. As they have been perhaps too hasty in their disposition to bury in oblivion the memory of past injuries, when they have perceived a disposition on your



part to resort to a kindly and generous policy; so, when they view indications of a return to that system of misgovernment, under which they have suffered so much and so long, the accumulated wrongs of centuries recur to their recollection and inflame their discontent. The philosophic enquirer, who desires to trace national antipathies to their origin, would be compelled in order to estimate justly the feelings of the Irish people, to search the ancient records of our history. The necessity of compression requires me to dismiss in a few sentences every thing which occurred previous to the Union. The characteristic features of Irish history may be thus briefly described:—Our nation has unhappily been at all times prone to internal dissension. By taking advantage of those dissensions, the English power first obtained a footing in Ireland. By their promotion, conquest was extended. By stimulating and fostering successive rebellions, a pretext was obtained for continued confiscation, until nearly the whole soil of Ireland had been subjected to repeated forfeiture. These confiscations continued until the reign of William and Mary, and were followed by the atrocities of the penal code—a code worthy of the ingenious malice of a demon. The mass of the nation was placed in cruel bondage under the feet of the minority. At length the dominant party found that the interests of the country were sacrificed to their own ascendancy—that England was enabled, by thus dividing the Irish people, to oppress her trade and trample upon her independence. The American war called the nation to arms, and in 1782 the Irish people stood united as one man, presenting to England a demand for their national rights. All their requests, before contumeliously rejected, were now hastily conceded, and Ireland appeared in all the majesty of union and national greatness. Unhappily the same patriotic energy which had wrung from England freedom of trade and Parliamentary independence, was not applied to internal reforms. The nation relapsed into apathy; a rebellion the seeds of which were sown by the principles of the French revolution, acting upon a diseased condition of society, and which rebellion there is too much reason for believing to have been fomented by England, afforded a pretext for the Union. Still the Union could not have been ac-

complished without the basest corruption. Every one knows that the Irish parliament consisted for the most part of nominees of an oligarchy. Two-thirds of the members of the Irish house of commons were named by individuals. That oligarchy Mr. Pitt bought by titles, by places, and by money. He deceived the Catholics by the promise of emancipation, and thus neutralized, to a certain extent, their opposition. In the mean time the people were prevented by armed force from assembling to petition, and the national voice was stifled in the utterance of its remonstrance. Thus, by the united influence of corruption, fraud, and force, an union was imposed upon Ireland, which has never been recognized by the Irish people as a national compact. Its terms were unjust and offensive, and accordingly they have produced in the continued discontent of the Irish nation, that retribution which always follows injustice. In passing under review some of the consequences of the union, we shall have no difficulty in discovering whence arises the desire for its abrogation. The first topic to which I shall advert, is its effect upon the financial relations between Great Britain and Ireland. Upon this point the most extraordinary difference of opinion prevails in the two countries. One can scarcely meet a person in society in England who does not consider it a great hardship, that Ireland should be exempted from any of the taxes borne by England. The first Lord of the Treasury, Sir R. Peel, tells us that Ireland is treated in regard to taxation with peculiar indulgence. Yet in Ireland it is generally believed that grievous financial injustice is one of the consequences of the union. The light in which this question is regarded in Ireland may be stated as follows. At the time of the union, the debts of the two countries were respectively—

	Debt.	Ann. Charge.
Funded debt of Britain in the year ended Jan. 5, 1801 .. ..	£120,505,944	£15,800,106
Unfunded do. Exchequer Bills .. ..	26,080,100	766,480
	£146,586,044	£16,566,586
Funded debt of Ireland, do. .. ..	£26,841,219	£1,150,284
Unfunded debt do. Treasury Bills .. ..	1,703,915	43,722
	£28,545,134	£1,194,006

(Par. Paper, No. 256, Sess. 1824.)

Total annual charge for debt incurred by Great Britain previous to the Union .. ..	£16,566,586
Ditto, by Ireland .. ..	1,194,006
Difference, being the amount of separate taxation to which Great Britain is fairly liable on account of debt incurred previous to the Union .. ..	£15,372,580

Assuming that Ireland has been taxed in proportion to its resources equally with Great Britain since the union, there ought still to be this difference of taxation ; otherwise, the poorer country is called upon to pay the debt incurred by the richer previous to the partnership. But instead of a separate taxation on Great Britain exceeding fifteen millions, the produce of all the taxes to which Great Britain is liable, and from which Ireland is still exempt, exclusive of the property-tax, does not now amount to much more than seven millions. The property tax will produce about five millions, of which a portion is derived from the tax on the incomes of Irish absentees. In order to show that Ireland contributed, to the extent of its resources, equally with Great Britain during the war, I will quote an extract from the report of the select committee of 1815, on the public income and expenditure of Ireland:—

“ Your committee cannot but remark, that for several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, and including the extraordinary and war taxes. The permanent revenue of Great Britain having increased from the year 1801, when the amounts were first made to correspond in the proportion of  $16\frac{1}{2}$  to 10. The whole revenue of Great Britain (including war taxes), in the proportion of  $21\frac{1}{4}$  to 10, and the revenues of Ireland in the proportion of 23 to 10. But in the twenty-four years referred to by your committee, the increase of Irish revenue has been in the proportion of  $46\frac{3}{4}$  to 10.”

The above statement was made by a Parliamentary committee at the close of the war. But it may be said, that in the remission of taxes since that time, greater indulgence has been shown to Ireland than to England. I have moved for a return of the amount of taxes affecting each kingdom, which have been repealed since 1814. That return has not yet been presented. I must therefore rely upon secondary authority, and quote the statement made by Mr. O'Connell, in the debate in the Corporation of Dublin, upon the Repeal of the Union, in which he computed that the produce of taxes

affecting Great Britain which have been repealed, amounts to 47,214,338*l.*; whilst during the same period the taxes repealed which affected Ireland, amounted only to 1,575,940*l.*, being one-thirtieth. Whereas in the imposition of taxes, it was computed that Ireland ought to be subjected to a burthen proportionate to that of Great Britain in the ratio of 2 to 15, or  $7\frac{1}{2}$  to 1. The financial jugglery by which Ireland has been brought in as a debtor to Great Britain, has been as follows. Mr. Pitt, in dictating the terms of the Union, assumed that Ireland could pay towards the general expenses of the United Kingdom a contribution in the proportion of 2-17*ths*, or 1 to  $7\frac{1}{2}$ , although the previous revenue of Ireland had borne to the revenue of Great Britain the proportion of less than 1 to 12. Separate accounts were kept for each kingdom. Loan was added to loan, and placed to the account of Ireland, although over such loans Ireland had no control until at length the Irish revenue was unable to meet the interest on the nominal debt so accumulated against it. In the mean time taxation had been carried in Ireland to that point at which increased taxation produced a diminution instead of an increase of revenue. At length in 1816, the exchequers of the two countries were consolidated, and since that period successive attempts have been made to assimilate the taxation of Ireland to that of Great Britain, until the Irish people will have the privilege of contributing equally with the English towards the payment of the charge on the debt incurred by Great Britain previously to the Union. The people of Ireland are unable to perceive the justice of these financial arrangements ; and they feel indignant when they are told upon every occasion on which a grant of 10,000*l.* may be required for Irish objects, that they do not contribute in their fair proportion to the taxation of the United Kingdom, and that England ought not for ever to be made a “ milch cow” to Ireland. Those who desire a Repeal of the Union contend, that if that measure were to take place, the financial relations of the two countries would be adjusted on a footing more favourable to Ireland than that on which they at present stand, and that either the taxes upon the principal articles of consumption, such as tea, sugar, malt, tobacco, &c., would be reduced to the standard which prevailed previous to the Union, or that



the surplus revenue of Ireland would be applied to the promotion of local improvements. For my own part I am fully aware that is a subject of great intricacy, and although upon the whole, I am inclined to think that the Irish view of this question is founded on justice, yet undoubtedly much may be said on the part of England, which would lead to a different conclusion. All that I have to ask, therefore, in reference to this branch of my subject, is, that a committee of intelligent and impartial men should be appointed, who may listen to the statements of those who consider that Ireland has sustained a wrong in consequence of the Union, and that the financial relations of the two countries may, for the future, be placed upon some defined and well-understood basis, so that we may not be for ever taunted with endeavouring to escape our fair share of taxation, at the very time at which those who have given most consideration to the subject, are of opinion that Ireland has been unjustly dealt with in regard to matters of finance. Next in the train of consequences which followed the Union, is to be noticed the increase of absenteeism. There are two classes of absentees. One class consists of great English proprietors who have obtained by confiscation large tracts of territory in Ireland. As an instance I may mention, that the greater part of one county, Londonderry, belongs to the London companies. This class is almost of necessity permanently non-resident. It is scarcely to be expected that the Duke of Devonshire, Lord Fitzwilliam, Lord Lansdowne should live continually in Ireland, whilst they have superior inducements to reside in this country. The other class of absentees consists of the nobility and gentry of Ireland, who were in the habit of resorting to Dublin previous to the Union, but who are now naturally attracted to the seat of Government, and whose views and associations become gradually interwoven with English rather than with Irish interests. It is believed, that this latter class would be immediately brought back to Ireland by a Repeal of the Union, and with respect to the permanent absentees, it is conceived that a moderate tax, which would be imposed by the Irish Parliament upon non-residence, would compel them either to sell their estates, or to reside in Ireland for a portion of the year, or to yield a pecuniary contribution towards those useful

objects which would be promoted without such contribution by their residence. It is only an act of justice to the right hon. Baronet (Sir R. Peel), to acknowledge, that to a trifling extent he has conferred a boon upon Ireland, by his imposition of a tax upon absentees, in connection with the Property-tax. He would now do well to act upon the suggestion thrown out a few evenings since by the noble Lord the Member for Newark, (Lord John Manners) and apply to the purposes of local improvement in Ireland the proceeds of the tax upon Irish absentees. Such a measure is the more justifiable, because in estimating the revenue to be derived from Ireland by the imposition of new taxes as her equivalent for the Income-tax, he did not place to its credit the amount derivable from this source. Not only did Ireland lose by the Union the advantages resulting from the residence and expenditure of a large portion of the wealthier classes, but the drain upon her resources has been still further augmented by the gradual abstraction of all her public establishments. Upon grounds of economy and general policy, I am far from objecting to any consolidation of the public departments which may be attended with diminution of expense, and greater uniformity and vigour of administration; but in withdrawing from Ireland the various fiscal establishments which existed previous to the Union, an attempt ought to have been made to compensate in some other manner the pecuniary loss sustained by such withdrawal. Many opportunities of making such compensation have been neglected. As an instance, let us see how Parliament has dealt with Ireland in regard to the naval expenditure of the United Kingdom. None of the harbours of England can rival those which we possess. How advantageously some of them are situated for naval expeditions, is proved by the recent rendezvous at Cork, of a fleet destined for some peculiar service, which appears to have a reference to the affairs of the Peninsula; yet there does not exist in Ireland a single naval dockyard. In this country there are nine—Deptford, Woolwich, Chatham, Sheerness, Portsmouth, Plymouth, Pembroke, Deal, North Yarmouth. In Ireland there is only a small victualling establishment at Cove. I asked a short time since for a return which would have shown the proportion of the amount voted on the navy

estimates, which, during the last twenty years, has been expended in Ireland. That return having been refused, I have been compelled to make the computation for myself. The results are not placed before the House in so authentic a form as if they had emanated from the department, but I believe that the following statement will be found quite accurate. I have carefully examined the navy estimates for the current year 1843-44, and I find that out of a gross expenditure of 6,579,960*l.*, not more than 10,000*l.* will be expended in Ireland, exclusive of the small amount of provisions now purchased there. If it be said that this comparison of the aggregate expenditure, with the amount expended in Ireland, is fallacious, because the naval service of Great Britain is carried on in every quarter of the world ; this remark does not at least apply to those heads of the naval expenditure which are of a local character. Let the comparison then be confined to those heads :—

	Gross estimate for 1843-44.	To be expended in Ireland.
Admiralty Office ..	£125,459	none.
Establishments at home .. }	126,813	about £500
Wages to artificers in establishments at home .. }	591,951	„ 500
Naval stores ..	1,117,895	none.
New works and re- pairs in yards .. }	234,868	„ 118
Packet service for the Post-office.. }	430,702	„ 9,000

for conveyance of mails between Kingstown and Liverpool—half of which amount ought to be placed to the account of England. With respect to the army the case is different. I admit that Ireland enjoys a fair proportion of the expenditure of the army, but it has never been insinuated, that any portion of the British army has been stationed in Ireland with a view to give to that country the advantages resulting from its expenditure. The motive which has led to its being placed there is, that the public tranquillity may be secured ; and in proportion as that end has been attained by other means, the military force has been withdrawn. Those who argue against a Repeal of the Union, talk largely of the advantages which must result to a poor country from being associated with one wealthier than itself. If

such language has any meaning, it must be, that there is a constant tendency which attracts the surplus wealth from the richer to the poorer country. We had already seen what has been the result of the Union with reference to the expenditure of the incomes of private individuals. Let us now see whether the financial intercourse of a public nature between the two countries, in any degree compensates for the drain upon the resources of Ireland which arises from absenteeism. I find by a parliamentary paper which was laid on the Table during the Session of 1842, No. 305, that the balance of remittances between the exchequers of the two kingdoms for a specified period, stands as follows :—

Remitted from the Irish Exchequer to the British Exchequer between 1795 and 5th Jan. 1842 .. ..	£25,995,453
Remitted from the British Exchequer to the Irish during the same period .. ..	8,331,274
Balance remitted from the Irish to the British Exchequer ..	17,664,179

In order to show that the causes which have produced this result are still in operation, I may mention that of the above amount of 25,995,453*l.*, the portion remitted from the Irish to the British Exchequer during the nine years ended 5th January, 1842, was .. .. £6,355,000

Whilst during the same period there was remitted from the British to the Irish Exchequer only .. .. 80,000

Balance of remittance from the Irish to the British Exchequer .. ..	6,275,000
Being upon an average an annual remittance of about ..	700,000

Now, those who seek for a Repeal of the Union, believe that instead of such an annual tribute being sent out of their country, the supplies voted by an Irish Parliament would be expended in Ireland, by Irishmen, for the benefit of Ireland. Is it wise to allow the Irish people to feel, that in regard to the financial connection between the two countries, the condition of Ireland is worse under the Legislative Union, than it would be if the Irish Parliament were restored ? During the twenty-eight years which immediately followed the Union, all the energies of the Irish nation were concentrated upon the struggle of the Catholics for emancipation,



either in resistance to or in support of their claims. I presume it will not be contended that the conduct of Parliament with reference to this question, was calculated to create any very strong feeling in the minds of the Irish nation in favour of British legislation. The Catholics considered that they had been betrayed by Mr. Pitt, when they saw him return to power without stipulating for the fulfilment of the promises which he had held out to them. Their just rights were withheld by the Anti-catholic prejudices of the English people, so long as they could be denied with safety; and at length when they were conceded, not to a sense of justice, but to apprehensions of a civil war, they were granted in a jealous spirit, and accompanied by offensive conditions. For six years the Catholic Relief Bill remained a dead letter in regard to appointments to office. It had, indeed, given to the Roman Catholics increased power, but although it declared their eligibility to official station, yet, with the exception of a few individuals, they remained practically excluded. At length, under Lord Normanby's Government, the principle of perfect equality was carried into full effect. He endeared himself to the Catholic population of Ireland, by having been the first viceroy since the Revolution of 1688, who did not make the profession of the national faith a ground of exclusion from office. Nor can it be said, that he showed an undue preference for Catholics, for it has been repeatedly stated, that of the persons appointed to situations under his Government, a majority were Protestants. I charge the present Government with having returned to the former system of exclusion, and I undertake to show, that though the Catholics are nominally admissible to every situation, yet that practically they have been all but proscribed. The right hon. Baronet (Sir R. Peel) has refused me a return which would have shewn the religious persuasion of every person who has been appointed to any situation under Government since his accession to office; but I have reason to think that the following list is nearly perfect as regards the principal appointments made under his administration. It shows the proportion of Roman Catholics advanced to office in a country of which above four-fifths of the population profess the Roman Catholic faith.

Lord de Grey .....	Lord Lieutenant ....	Protestant.
Lord Eliot .....	Chief Secretary .....	do.
Mr. Lucas .....	Under Secretary .....	do.
Sir Edward Sugden ..	Lord Chancellor .....	do.
Pennycuik .....	Chief Justice .....	do.
Blackburne .....	Master of the Rolls ..	do.
Lefroy .....	Baron of the Exchqr.	do.
Jackson .....	{ Justice of the Com.	
	{ Pleas .....	do.
T. C. Smith .....	Attorney-General .....	do.
Greene .....	Solicitor-General .....	do.
Brewster .....	{ Advising Counsel to	
	{ the Castle .....	do.
Litton .....	Master in Chancery ..	do.
Mr. Long .....	{ Register to the Court	
	{ of Chancery .....	do.
Mr. Kemmis .....	{ Chairman of Kil-	
	{ mainham .....	do.
Messrs. Tombe, Jebb, } and O'Dwyer .... }	Counsel to the Excise..	do.
Mr. A. Bate .....	{ Clerk of the Crown	
	{ for Co. Galway ..	do.
Mr. Seed .....	{ Clerk of the Crown	
	{ for the Co. Limerick	do.
Mr. Starkey .....	{ Account-Gen. to Ct.	
	{ of Chancery .....	do.
Mr. Webb .....	{ Dep. Keeper of the	
	{ Rolls .....	do.
Major Cottingham ....	Inspector of Convicts..	do.
Mr. Shaw .....	Stipendiary Magistrate	do.
Mr. Brereton .....	Stipendiary Magistrate	do.
Mr. Butler .....	{ Crown Prosecutor of	
	{ Carlow .....	do.

The above are all Protestants. Now compare the list of Catholics appointed to office:—

Mr. Coppinger .....	{ Assist. Barrister for	
	{ Kildare .....	R. Catholic.
Mr. O'Leary .....	{ An Officer in the Ct.	
	{ of Chancery .....	do.
Mr. Kernan .....	Stipendiary Magistrate	do.

Three Catholics appointed to subordinate situations, against which are to be placed two dismissals of Catholics without cause—those of Mr. O'Brien, stipendiary magistrate, and of Dr. Phelan, assistant Poor-law Commissioner—for whose removal from office no reasonable ground has yet been assigned. The House, from this statement, will be able to judge whether the present Government has been partial or impartial in its distribution of patronage between Protestants and Catholics. It is no sufficient answer to say, as has been said in justification of the Government, that they cannot be expected to appoint to office their political opponents. This answer involves the admission that they have forfeited the confidence of the whole Catholic population of Ireland. They first adopt a line of policy which calls forth the hostility of the Roman Catholics of Ireland, and then they make such hostility the ground of their perpetual exclusion from office. But the fact is, that in reality they were not reduced to such a dilemma. With regard to appointments of a political nature, I

quite agree that they could not with propriety have taken into their confidence men who had been active partisans of a rival Administration; but in regard to judicial station, it is very questionable, under the present circumstances of Ireland, whether a Government ought to declare, that none of those who peculiarly possess the confidence of the great body of the population, shall be selected for such situations. But even if I were to admit, that they could not be expected to raise to the bench such men as my right hon. Friend the Member for Clonmel (Mr. Pigott), still there are many other Roman Catholics in Ireland, whose moderation in politics would have permitted their appointment to office by the present Government. Amongst many whose names occur to me, I shall only mention one, and I select him chiefly because his name is familiar to the House, and because he has been often mentioned with commendation by Gentlemen of the Conservative party—I allude to Mr. Howley, the assistant barrister for Tipperary. I find that in regard to professional standing—a point insisted upon in a former debate by the right hon. Baronet (Sir R. Peel)—he was admitted to the bar earlier than the present Attorney-general; and his other professional qualifications would have justified his nomination to some of those offices which have been filled with persons whose chief merit appears to have been hostility to the Roman Catholic population of Ireland. The next great legislative measure by which the interests of Ireland have been affected, was the Reform Act. It will be admitted, that the Reform Bill could not have been carried, if it had not been supported by the votes of a majority of the Irish representatives. Yet, in the adjustment of the representation, the claims of Ireland were overlooked. Previously to the Reform Act both Ireland and Scotland had reason to complain that they were not represented adequately in proportion to their population and resources, in comparison with England; but Scotland had less reason for complaint than Ireland. Yet Scotland obtained an addition of eight Members, whilst only five were given to Ireland. This injustice was the more flagrant, because even Lord Castlereagh, when computing, at the time of the Union, the number of Members to which Ireland was then entitled, could not, though he took the most unfavourable view of its

claim, reduce the number below 108. Notwithstanding such computation, the British Ministry gave to Ireland at the Union eight Members less than the number to which, by their own admission, it was entitled. It might have been expected therefore, that in re-constructing the representative system of the United Kingdom, this injustice would have been redressed. Let us now examine the claims of Ireland with reference to representation. The most natural foundation for representation is population. I believe, that in the formation of new states in the confederation of the United States, population is the sole basis on which the representative system is constructed. The whole population of the United Kingdom in 1841 was 26,717,091 persons, to which aggregate Ireland contributed 8,175,238 persons. The whole number of Members in the House of Commons being 658, if the number to be assigned to Ireland were proportionate to its population, Ireland would be entitled to more than 200 representatives. If other elements, such as revenue, exports and imports, rental, be made, conjointly with population, the basis of the computation, this number would be reduced, according to some calculations, to 170 Members—according to others, to a still lower number; but no calculation which can be made on the part of Ireland, will reduce our claim to less than 125 Members, being twenty more than we now possess. The detail of the injustice which Ireland has suffered in reference to its representation, is even more striking than the general view here presented. The corrupt borough of Harwich, with its population of 3,829 persons, together with the nomination borough of Ripon, possess as much influence in the Legislature as the county of Tipperary (including the Members for Cashel and Clonmel), with its population of 435,553, and its rental of 886,439*l*. Again, compare the representation of Dorsetshire with that of the county of Galway. The area of Dorsetshire is 627,220 acres; its real property assessed to poor-rate in 1841, 735,234*l*.; its population in 1841, 174,743 persons; the number of its Members—County 3, Bridport 2, Dorchester 2, Poole 2, Lyme Regis 1, Shaftesbury 1, Wareham 1, Weymouth 2—total 14. The area of Galway is—county 1,485,533 acres, town 25,059 acres—total 1,510,592 acres; the rental, as estimated by Griffith—county 850,000*l*,



town (excluding the value of the houses) 18,894*l.*—total rental 868,894*l.*; and if the value of the houses in the town be included, not less than 900,000*l.* per annum. The population in 1841 was—county 422,923, town 17,275—total 440,198. Members—county 2, town 2—total Members 4. In each of the particulars of area, rental, and population, Galway greatly exceeds Dorsetshire. Yet Dorsetshire has 14 representatives, while Galway enjoys only 4. Though the claim of Ireland to increased representation is scarcely more acceptable to the party on this side of the House, than to that which sits on the opposite Benches, I am bound to say that I consider this claim as of primary importance, not only with reference to the interests of Ireland, but also in regard to the ease and satisfaction with which that country may be governed. I do not urge its importance on account of the opportunities of distinction which seats in Parliament afford to the active and ambitious minds of a community, nor on account of the patronage which naturally follows representation, nor even on account of the advantages which parliamentary influence carries with it in the competition of local interests. These considerations ought not indeed to be overlooked. Suppose, for instance, a question arises as to which is the most eligible harbour for a packet station—that of Falmouth or that of Cork—and that the advantages of each are nearly balanced, is it not obvious that the pressure made upon the administration by forty or fifty members connected with the west of England will overbear the representations of ten or twelve members connected with the south of Ireland. The most disadvantageous result, however, arising from inadequate representation, is the necessity which it creates for perpetual agitation. In England the Government bends at once to the voice of public opinion, as spoken by a majority of the English representatives; but it is enabled to defy the opinion of Ireland, as expressed by its Members in Parliament, in consequence of the paucity of their number. Hence arises the necessity for constant excitement in Ireland, to reinforce and give effect to the representations of the Irish Members. Thus the seeming advantage which England appears to possess over Ireland in regard to representation, is counterbalanced by an extraneous power

created by your injustice, which repairs by an action on the Government of a character by no means desirable in itself, the wrong committed towards Ireland. If the number of our representatives is inadequate, not less so is the constituency by whom they are elected. I shall not now accept the challenge offered by the noble Lord, the Member for Lancashire, (Lord Stanley,) to institute a comparison between the Parliamentary franchise of England and that of Ireland. It is scarcely possible to adjust the elements required for such a comparison, because there are some franchises in England to which we have in Ireland none analogous. The conclusion, however, to be drawn from a comparison of the number of persons qualified to vote in each country, sufficiently proves, that in proportion to its population and resources, Ireland does not possess an electoral body nearly as numerous as that of England. The population of Ireland in 1841 was 8,175,238 persons. The number of electors registered between the 1st February, 1835, and the 1st February, 1843, was as follows:—Counties, 63,389; Cities, 27,091; Boroughs, 19,465.—Total 109,945, being less by 14,332 than the number registered during the five years previous to the 1st of February, 1837. But, inasmuch as this registry extends over a period of eight years, a large deduction, probably not less than one-third, ought to be made for double registries, deaths, and expiration of title. After these deductions have been made, the actual number of persons qualified to vote, cannot be assumed to be more than 80,000, or say one per cent. on the population. If property be regarded as the legitimate basis of the franchise, the number of electors is almost equally inadequate in reference to this test. Assuming the rental of Ireland to be 15,000,000*l.* per annum, which is not far from the truth, there would not be more than one elector for every 187*l.* 10*s.* of rental. Now, in the first year after the Reform Act, the proportion of electors to population in England was, in Counties as 1 to 24, and in Boroughs and Cities as 1 to 17. The number of electors in England has since that time considerably increased. In Ireland the constituency is yearly diminishing. So much for the general view. Now look at the detail. Assuming first that the Parliamentary franchise ought to be commensurate with

population, let us compare the number of electors in two counties of Ireland and England in which the population is nearly the same—Mayo and Lincolnshire. In Mayo, which has only two representatives, the population in 1841 was 388,887 persons. The number of electors registered between the 1st February, 1835, and the 1st February, 1843, was 1494. This number is subject to a deduction of say one-third for double registries, deaths, and loss of title. In Lincolnshire, which is represented by eleven members, the population was in 1841, 362,717 persons, the number of electors qualified to vote in 1840 was, county electors, 18,876—town electors, 3,999—Total, 22,875. But if it be said that the franchise ought not to be proportionate to population, but to property, let us compare two counties in regard to rateable property. In Meath the population amounted in 1841 to 183,828 persons; the rateable rental according to the townland valuation, which is much below the actual rent, to 527,593*l.*; the number of electors registered between the 1st of February, 1835, and 1st February, 1843, 1841, subject to deduction for double registries, deaths, and loss of qualifications. In Westmoreland the population was in 1841, 56,469 persons; the real property rated to poor rate in 1841 was 266,335*l.*; the number of electors qualified to vote in 1840 was, county, 4,480; town, (Kendal,) 351; total, 4,831. Now, if Meath had a constituency as large as that of Westmoreland, in proportion to the real property of each county, Meath would have about 9,000 electors instead of 1,481 upon the registry, of whom probably not more than 1,000 are qualified to vote. Will any one who has followed me in this comparison, contend that the Irish parliamentary franchise is more liberal than that of England? But it is not enough that the parliamentary franchise of Ireland is of so restricted a nature, as almost to deprive our representation of the character of popular election. It is not enough that the constituencies are year by year dwindling away. The conservative party of Great Britain have still further sought, by the most unjustifiable and unconstitutional expedients to frustrate the choice of the electors of Ireland in their selection of members who possess the confidence of the community. The people of Ireland have not forgotten the manner in which, at the time of the Spottiswoode

subscription, you raised a cry against their representatives, and endeavoured to expel them from their seats, by bringing the power of money into action against them, under favour of the partial constitution of election committees. Neither have they forgotten the attempt made by the noble Lord (Lord Stanley) to slich away their franchise under the cover of a registration bill. What is your present position with regard to this bill? When it was brought forward the people of Ireland denounced it as an insidious attempt to diminish the constituency. The noble Lord at that time vehemently protested that he had no such design, and that the bill would have no such effect; yet, the right hon. Baronet, the Secretary for the Home Department, (Sir J. Graham,) announced to the House a few nights since, that after careful consideration, he had found that it would be impossible for him to frame any registration bill which would not have the effect of diminishing the county electors of Ireland, and that, therefore, he was preparing to afford some compensation for this result of the measure which he was about to propose, by an enlargement of the franchise. With regard to the necessity of a registration bill, all parties have been unanimous. The liberal party have suffered from the want of such a measure even more than their antagonists. My hon. Friend, the Member for the county of Longford (Mr. Lefroy,) will permit me to say, that he owes his seat in this House to the defects of our registration system. His opponent was returned by a majority which considerably exceeded 100, (I forget the exact number,) but was displaced from his seat, because the present state of the law allowed the committee to take upon themselves the office of the revising barrister, and to remove from the poll persons whose right to vote ought to have been finally established at the time of their registration. Such being the case, if the noble Lord had been simply desirous to give to Ireland a good system of registration, and had referred his bill to a committee consisting of members from both sides of the House, a measure might have been agreed upon in a week, which would have accomplished the legitimate objects of registration, without annihilating the franchises of the Irish people. But such a course would not have served the purposes of party. The majorities obtained by the late opposition in the various stages



of this bill, were invaluable instruments of party warfare, and it became in fact the "*cheval de bataille*" upon which they rode into office. Whilst the conservative party was in opposition, this measure was one of paramount importance in their eyes. They could not brook the delay of a single night in their attempts to advance it in its different stages. The noble Lord (Lord Stanley) even volunteered to tell the House that he had left the bedside of a near relation in order to be present at its discussion. Yet, the same statesmen who were at that period eager to pass this bill with such breathless haste, in opposition to the remonstrances of the Irish people, have been now two years in power without even venturing to lay upon the table of the House, any bill for the registration of electors in Ireland. We who think that no measure which they could bring forward, would be framed in a spirit favourable to the rights of the Irish people, have, perhaps, reason to thank them for their forbearance; but I would appeal even to Irish Members on the opposite Benches, and ask them whether there is any party in Ireland which does not feel indignant, when they find their national interests thus made the stalking horse of English faction. In considering the constitutional representation of Ireland in the imperial legislature, I must not altogether omit to notice the injustice which was inflicted on the nobility of Ireland by the terms of the Union. The equivalent given to the Irish House of Peers, in compensation for their extinction as a separate branch of the Irish parliament, was the introduction into the British House of Lords of only twenty-eight representative Peers. The position of the Irish nobility is marked by a degrading inferiority. The Irish peerage is a sort of hybrid dignity. An Irish Lord is something between a peer and a commoner, without the faculties of either. He is excluded from his natural place in the House of Lords, and yet cannot exercise many of the privileges of a commoner; he cannot sit on grand juries; he cannot vote at elections; he cannot sit in the House of Commons as the representative of an Irish constituency. I have often been surprised how any man of good family can consent to remain in so ambiguous a position. Perhaps it may be said, that as the majority of the Irish House of Lords were consenting parties to the Union, they

have, therefore, no reason to complain; but this remark does not apply to the dissenting minority and their descendants. So long, however, as they acquiesce without complaint in their degradation, the Parliament of Great Britain can scarcely be blamed for allowing it to be perpetuated. Let us now pass in review the principal measures relating to Ireland, which have been brought forward since the enactment of the Reform Bill. The first of these measures was the coercion bill. I cannot advert to this violation of the constitutional liberties of Ireland, without implicating in censure many of the Friends who sit around me. I will, therefore, content myself with saying, that this measure at least was not calculated to inspire the people of Ireland with any great confidence in the British Legislature. The next Irish question to which the attention of Parliament was directed was that of the Irish Church. As no redress has yet been afforded with reference to this grievance, I am compelled to dwell upon this topic at more length. Let me first state the relative numbers of the several religious communities existing in Ireland, as ascertained in 1834 by the commissioners of public instruction.

Members of the Established			
Church .. ..	..	..	852,064
Presbyterians .. ..	..	..	642,356
Other Dissenters .. ..	..	..	21,808
Roman Catholics .. ..	..	..	6,427,712
			<hr/> 7,943,940

Now I would ask any man of common sense on either side of the House, whether it is possible that any nation could be contented with an ecclesiastical system which provides a religious establishment for the Church of so small a minority of the people, whilst the remainder of the population are excluded from similar advantages. Would the people of England tolerate such an arrangement, if it were possible to conceive the existence for a single hour of such an anomaly in England? What would be their opinion as to the chances of contentment in any foreign country in which they should find (if there be a case parallel on the face of the globe) such a system in force? The answer is obvious. It can excite no surprise that the Roman Catholics of Ireland should make every effort in their power to extricate themselves from a position which necessarily impresses them with a sense of

inferiority. It might naturally be expected, that they should, through their representatives, apply to Parliament for relief from the encumbrance of an establishment from which they derive no benefit, and demand that the national property now in the possession of the Protestant Church, should be applied to uses of a national character, from which the whole people would derive benefit. They refrained from taking this course when the subject was under consideration. They only asked that the expenditure upon the Protestant Church should be brought down to the lowest point compatible with a due provision for the religious instruction of the Protestant Episcopalians of Ireland, and that the surplus revenue should be appropriated to purposes in which Catholic and Protestant have a common interest. This moderate request, urged during several successive years, was denied by the British Legislature. It might have at least been expected, that when Parliament expressed its determination to uphold the Protestant establishment in all its integrity, it would have said to the Roman Catholics of Ireland,—We disapprove of the voluntary principle, and cannot consent to reduce the revenues of the Protestant Church, which do not appear to us excessive in relation to the religious wants of the Protestant community; but recognising your clergy as *de facto* the religious ministers of the great majority of the Irish nation, we are prepared to offer to them every advantage which it is consistent with their sense of religious duty to accept. We are told by you, that you are averse to the establishment of an independent provision for the Roman Catholic clergy. We cannot therefore force it upon your acceptance—but if you can point out any other mode by which we may be enabled to shew that we are not desirous to establish an invidious distinction in favour of the Protestant clergy in the midst of a Roman Catholic population, or by which we can promote the comfort of your clergy to your satisfaction, we are most ready to entertain with favour such a proposal. It is possible that the Roman Catholics of Ireland might at that time have been willing to accept from the state, not a stipendiary provision, but advantages of a different kind. I have reason to know, for instance, that the greatest possible inconvenience is sustained by the Catholic clergy,

from the difficulty which they experience, particularly in country parishes, in obtaining a place of residence upon their first induction to a living. Why should not the state, if it resolves to uphold a Protestant endowment, make provision also for the purchase of glebe houses for the Catholic clergy. So also with regard to the erection of Roman Catholic churches. If you determine to apply out of a fund which belongs to the public at large, grants for the erection of Protestant churches, ought not a sense of justice to tell you, that similar contributions should be offered in aid of the construction of places of worship for the great body of the Irish population. But instead of thus treating the Catholic clergy with consideration and respect, and instead of making arrangements for the convenience of the Catholic population in regard to their religious worship, you have exasperated their feelings by the contumely with which they have been treated, not only by the press of this country, but also in discussions in Parliament. Even the miserable grant for Maynooth college cannot pass through this House, without furnishing topics for invective and insult against the Roman Catholic clergy. Is it surprising then, that they should, almost without exception, strenuously advocate the Repeal of the Union. For my own part, if I were an Irish Catholic clergyman, I would leave no efforts untried to obtain a dissolution of the Union. It is obvious, that in an Irish parliament their interests and feelings would be treated in a very different spirit. I do not say, that there would be a Catholic ascendancy, for I do not believe that the Catholic population of Ireland desire such an ascendancy, but they would at least be placed upon a footing of perfect equality with the other religious communities in regard to ecclesiastical arrangements. But it is not only the Roman Catholics who have reason to complain of the mode in which the present Government have dealt with the affairs of the Irish Church. Great abuses still exist in its internal system. The Protestant landlords, who now pay the tithes, are beginning to be very much discontented on finding themselves called upon to contribute considerable sums of money, for which neither they nor the community at large receive any value. I will not now take upon myself the invidious task of



enumerating these abuses in detail. Their existence was frequently admitted by the present Ministry when the subject was formerly under discussion. Yet they have been two years in office, without having given even an indication of an intention to apply themselves to the correction of the acknowledged defects and abuses of the Irish Church. In treating the whole of this subject, I feel that there is, under present circumstances, great difficulty in offering any practical suggestion for its final settlement. The principle for which I am myself disposed to contend is, that in relation to Church affairs there should be perfect equality between the different sections of the population of Ireland. I will not conceal from the House, that the mode of producing such equality, which would be most acceptable to the Roman Catholics of Ireland, would be the adoption of the voluntary principle: but if Parliament is not prepared to resort to so extreme a measure let it recognize to the fullest extent such religious equality, by making whatever arrangements for the advantage of the Catholic population of Ireland in regard to their religious worship shall be found acceptable to them, and consistent with their conscientious views. I wish particularly to guard myself from the supposition that I desire that the tithes should be given to the landlords of Ireland. For my own part, having always, upon political grounds, (although in regard to the interests of religion I am not equally convinced of the inexpediency of the voluntary system,) inclined to the opinion that an endowment by the State for the religious ministers of the population is desirable, I think that instead of making so large an allowance to the landlords, it would have been a much wiser course to have superadded the 25 per cent. which was taken from the tithe property in Ireland, to whatever surplus might arise from a reduction of the Protestant establishment within its just limits, and to have appropriated the fund so created, to the religious purposes of the Roman Catholics of Ireland. Next in the catalogue of Irish measures is the Act of Reform of the Municipal Corporations. I fear that your conduct with reference to this question affords but too much justification for those who seek a Repeal of the Union. How was it treated by the British Parliament? When you passed, with the concurrence of both sides of the House, a

measure of corporate reform for England, it seemed to be a natural consequence that you should extend to Ireland a similar enactment. Instead of doing so, you refused for two years your assent to anything beyond the extinction of the former corporations. On what grounds? Simply because the people of Ireland professed the Roman Catholic faith. If there had been any doubt about your motives, these doubts were removed by the declaration of the person whom you have since made Lord Chancellor of England. He told the people of Ireland that they were not to enjoy the benefit of municipal institutions, because they were "aliens in blood, in language, and in religion." At length you found that your party interests would be injured if you persisted in resistance to the reform of our municipalities. You therefore consented to subject the corporations of Ireland to popular control, but you contrived to embarrass the measure with a variety of harassing restrictions, apparently with no other view than that of rendering it nugatory. Such conduct, founded on an unworthy distrust of the Irish people, has naturally called forth their resentment. Let me elucidate the difficulties with which corporate reform has been encumbered in Ireland, by referring to the case of Dublin. In order to qualify for the exercise of the municipal franchise in Dublin, it is necessary to pay sixteen local taxes. I will enumerate them as stated in a recent report from the corporation of Dublin:—1. Poor-rate; 2. Parish-cess; 3. Minister's-money; 4. Grand Jury-cess; 5. Paving and Lighting-tax; 6. Wide-street-tax; 7. Police-tax; 8. Pipe-water-tax; 9. Borough-rate; 10. Stephen's-green-tax; 11. Poddle-tax; 12. Cholera-tax; 13. Mountjoy-square-tax; 14. George's-church-tax; 15. Quay-wall-tax; 16. Merrion-square-tax. The claim for making out lists of the above taxes in 1841, amounted to 926*l.*; and the costs of printing the lists required by the Irish Municipal Act was, for Dublin, no less than 5,000*l.* Surely there is nothing unreasonable in the demand with which this statement is accompanied, that the corporate law of Ireland should be assimilated to that of England, and the refusal of this reasonable request, is one of the many causes which have induced the people of Ireland to seek for a Repeal of the Union. I now

come to the Irish Poor-law. Here again I have to complain of the overbearing spirit which has been evinced towards Ireland, both in the enactment and in the administration of this law. After long hesitation the public opinion of Ireland at length pronounced itself in favour of a provision for the poor. The principle and the details of such a measure were thoroughly canvassed by men of the highest intelligence in Ireland. A commission of enquiry composed, for the most part, of men perfectly acquainted with that country, was occupied for three years in investigating every circumstance which could form an element in the consideration of this question, and at length presented to Parliament a series of reports containing elaborate statements of their views. Their suggestions were cast aside, almost as if they had been unworthy of consideration; and to Mr. Nicholls, a perfect stranger to the country, was delegated the task of framing a Poor-law for Ireland. He has since been invested with powers almost absolute, in order to enable him to carry his own law into effect. What has been the result? The law which, in regard to many points, was originally defective and objectionable in its provisions has been so administered, as that the feelings of every class of the community have been wounded, and a general feeling of repugnance has been produced against the measure itself. Nor can we be surprised at such a result, when we are made sensible of the anti-national spirit in which it has been administered. It seems to have been established as a principle, that Irishmen were wholly disqualified for the task of carrying this law into effect, and that entire ignorance of the country to which it was applied, as well as of the feelings of its inhabitants, was to be the best recommendation of those who were called to take part in its administration. Let me place before the House a view of the composition of the Poor-law department in Ireland. There are six English assistant commissioners, and only four Irish!—Mr. Gulson, Mr. Power, Mr. Voules, Mr. Senior, Mr. Gilbert, Mr. Muggeridge—English. Mr. Hancock, Mr. O'Donoghue, Mr. Burke, Mr. Otway—Irish. In the chief clerk's department there are three Englishmen—none Irish. In the registry department, four English and four Irish. In the head cash-keeper's department, one English and one Irish. In the copying

department, one English and seven Irish. In the architect's department, (the architect himself being an Englishman,) five English and four Irish. Total—fifteen English—nineteen Irish. It thus appears that of the clerks in these offices, the majority are Irish, but it was only in April, 1843, that by the addition of six Irish clerks that majority was produced. The English, it is to be observed, are in the higher offices; the Irish in the lower, with lesser salaries. Universal dissatisfaction has been excited by the manner in which these officials, perhaps from ignorance of the country, have carried the Poor-law into effect. At the commencement of this year, a general desire for enquiry pervaded all classes of the community, with a view to the correction of the system. When an Irish Member in obedience to the wishes of his constituents, brought forward a motion for a committee of enquiry, an attempt was first made to stifle the discussion, by resorting to the expedient of counting the House, and when this attempt failed, the motion was rejected, on the plausible ground, that as the Government were prepared to bring forward a bill for the amendment of the Irish Poor-law, a committee of enquiry would rather impede than expedite the correction of its defects. At length the promised bill appears, and it is found to be so framed, as to lay the foundation for two new popular grievances, whilst its other enactments are of most doubtful expediency. Is it surprising that the people of Ireland, when they find their most important local concerns thus contemptuously and clumsily treated, should deduce from this experience the conclusion, that the British Parliament is incapable of properly legislating for a country with respect to whose feelings and interests it is so imperfectly informed. The last specimen of British legislation for Ireland is the Arms Bill—resistance to which has occupied so much of that time which ought to have been bestowed on the consideration of remedial measures. The conduct of the present ministry with regard to this bill, has been most offensive to the Irish people. They have collected together all the unconstitutional clauses of former Arms Bills, which having been enacted during periods of insurrection, had become obsolete after the emergency which justified their original introduction had passed away. They have called upon



us not only to give to these obnoxious clauses a new sanction by their formal re-enactment, but they even propose to render them still more harsh and oppressive. In vain do the Irish Members who represent the wishes of the great body of the nation, remonstrate against this proceeding. Their voice is altogether unheeded, and this odious law is to be forced by English majorities upon a reluctant nation. How can you blame the Irish people for seeking to abstract themselves from a system of legislation which is thus regardless of their representations and remonstrances? So much for past legislation. If I were now to advert to all that has been left undone, I could make out a case perhaps even stronger on the ground of omission than of commission, against the British Government and Legislature. In order to avoid trespassing too much on your time, I must content myself with noticing only one or two instances. Let me advert to your proceedings with regard to the proposal to construct a system of railways in Ireland. Those who pay any attention to what passes on the other side of the channel, know that when an attempt was made in the early part of the year 1841, to elicit a declaration of opinion on the subject of railways, the requisition for a public meeting to be held in Dublin, with a view to their promotion, was signed by almost every influential person in Ireland of all ranks and of all parties. It may therefore be reasonably inferred, that if an Irish Parliament were in existence, measures would be immediately taken for giving to Ireland the advantages of a system of railways. Gentlemen must not apply to the consideration of this question the principles which are acted upon in this country. In England there is such a superabundance of capital seeking investment, that it would be considered a grievance by English capitalists, if the state were to interfere with this means of profitable investment, by taking upon itself the construction of railways. But in Ireland the case is different. Capital is there comparatively scanty. It would seem reasonable therefore to apply to Ireland, not the principle of non-interference acted upon in England, but rather that which has regulated the conduct of other nations of the world in which capital is not so abundant as in this country, almost all of whom have brought the assistance of the state to the aid of private enterprise in the

construction of public works. An attempt was made by the late Government to secure to Ireland the benefit of railways by means of such a combination. In 1838 Lord Morpeth proposed that the credit of the state should be employed in raising the capital required for such undertakings in Ireland, and that the counties interested should guarantee the payment of 4 per cent. as a minimum of interest, in case the receipts from the traffic did not secure this rate of profit. This proposal was effectually defeated by the party now in power, and the English capital which would have then been embarked in railways in Ireland, greatly to the advancement of the national interests of both countries, has since sought investment in foreign states, which have given to their population the advantages you have denied to Ireland. How differently have you acted towards Canada, although that colony does not contribute a fraction towards your revenue. During last Session this House, almost without an observation, consented to guarantee interest of 4 per cent. on a loan of 1,500,000*l.*, about to be raised for the promotion of public works in Canada. During the very same year in which Parliament rejected the proposal to allow the Irish counties to borrow 2,500,000*l.* on their own security, with every prospect of a remunerative return from the enterprise itself, the Government entered into a contract to allow 240,000*l.* per annum for the conveyance of the mails between Great Britain and the West Indies. An annuity of this amount would have enabled the Government to raise nearly as much money as would have been required to extend to every part of Ireland, north, south, and west—leading lines of railway. In the case of Ireland, internal communication by means of railways, which would probably have been a source of profit rather than of loss, would have brought into nearer approximation eight millions of your fellow-subjects. In the case of the West India contract, while the sacrifice of income is certain, the object of the undertaking is to facilitate your intercourse with colonies which do not contain a million and a half of inhabitants. Yet the right hon. Baronet (Sir R. Peel) tells us, that Ireland, is, upon all occasions, treated with peculiar indulgence with respect to concerns involving public expenditure. With regard to national education, the present Government take

to themselves great credit for not having overthrown the system established by the noble Lord (Lord Stanley). It is true that they have greatly offended some of their own partisans in Ireland, but I cannot perceive that they have established any legitimate claim upon our gratitude. There is scarcely a Protestant clergyman in Ireland who does not consider that he has been betrayed by the right hon. Baronet (Sir R. Peel) in regard to education; with what degree of justice I leave it to Gentlemen on the opposite benches to determine. For my own part, I think that they have some ground for complaint. There is no reason why the religious prejudices of the minority of the people should not be respected in the case of the Protestants of Ireland, as well as in the case of the Catholics of England. I greatly prefer as the basis of a national system the principle of mixed education, such as that established by the national board; but if there be sections of the population, either amongst the Catholics or amongst the Protestants, who entertain conscientious objections to any system of education which does not inculcate their own peculiar tenets, I am not prepared to say that they ought to be excluded from all participation in the benefits of a fund to which they contribute in common with the rest of the community. My hon. Friend the Member for Waterford (Mr. Wyse,) in his elaborate report from the committee of 1838, shewed how all these jarring views might be reconciled in a system of national education, without impairing its efficiency, and without violating the rights of conscience, or the principles of justice. That report still remains at once both a monument of his ability, and of the apathy of the British Government with reference to the instruction of the Irish people. When ministers claim our applause, because they have not interfered with the system of education which they found in existence, let me ask them what have they done for its extension? The funds at the command of the national board are altogether inadequate to provide for the due instruction of the population of Ireland. In their second report the commissioners estimate that an annual income of 200,000*l.* would be required to accomplish this object. Only one-fourth of this sum is now granted. So also with regard to provincial colleges, nothing has been done by the present Government. Though

above four-fifths of the population of Ireland are of the Roman Catholic persuasion, Catholics are excluded from all participation in the endowments of our only university. Nor is the academical instruction provided by Trinity College adequate to meet the requirements of so large a population as that of Ireland. Such being the case, my hon. Friend in his report recommended the establishment of a college in each province, with the understanding that the Belfast Institution should be considered as the college of the province of Ulster. The proposal to establish a provincial college in the south of Ireland, was received with great satisfaction by the Irish public. Many even of those who entertain conservative opinions, signified their approval of the intention. The late Government received it with favour, and requested my hon. Friend (Mr. Wyse) to submit to them a detailed report upon the subject, and there is every reason to believe, that they would have sanctioned the proposal if they had continued in office. This was an opportunity of meeting the wants and satisfying the wishes of a great community, of which a wise Government would gladly have availed itself, more especially as the parties locally interested in the project, were prepared to co-operate in the effort with pecuniary contributions. By the present Government, nothing whatever has been done to promote so laudable an object. The report of 1838, the paper of my hon. Friend, the recorded indications of public support, all lie unheeded on the shelves of the Irish office, and my hon. Friend has been deterred from submitting his project to Parliament, lest by the opposition of the Ministry its future success may be impeded. In like manner when an attempt was made by some disinterested members of the legal profession, to carry into effect the recommendation of another portion of this report, with reference to legal education, Sir E. Sugden, our Lord Chancellor, bringing with him to Ireland his English prejudices, successfully used his influence to defeat the attempt, although it had received the sanction of almost all the heads of the profession in Ireland, without distinction of party. A similar disregard of the educational interests of Ireland, has been evinced by the present Government, in their rejection of a proposal to establish a national museum in Dublin. Every one must feel



that the establishment of a good national museum would contribute greatly to the instruction as well as to the enjoyment of our community. The committee, of which I was chairman, appointed in 1836, to inquire into the proceedings of the Royal Dublin Society, suggested that in case the society should adopt certain recommendations contained in our report, it would be desirable to connect with that institution a national museum. The society having acceded to all our proposals, applied in the early part of this year to the Treasury, for means to fulfil that portion of the recommendations of this report which related to the enlargement of their museum. Their request has been denied upon pretexts altogether frivolous. Now, when Parliament grants, and in my opinion most wisely grants, large sums annually for the support of the British museum, amounting during several successive years to as much as 80,000*l.* per annum, is it not natural that the people of Ireland should expect that some effort should be made to give to Dublin the advantages of a similar institution. Can there be a doubt that an Irish Parliament would found such a museum? Upon what ground then is this disregard of the most legitimate claims of the Irish people to be justified? I have now to notice the characteristic features by which the administrative Government of Ireland has been distinguished, and I am compelled to designate it as eminently anti-national. In all free states the distribution of patronage forms an important element in the machinery of Government. Amongst the most recent examples of the mischievous consequences which may arise from an unwise employment of this engine of power, I may remind the House, that no cause was more efficient in producing the disruption of Belgium from Holland, than the systematic exclusion of the Catholics of Belgium from the administrative government of the Netherlands. In Canada discontents, which ended in rebellion, were excited chiefly by the exclusion from office of the native inhabitants of French origin. Now let us see how the people of Ireland have been treated in reference to the distribution of patronage. Look at every department of local or general administration in Ireland, and you will find that Irishmen are studiously excluded from all the superior offices of direction and control. I will quote in support of

this assertion the following extract from the *Dublin Evening Mail*, a conservative journal, which is conducted with much ability. Let me first observe, that the Lord-lieutenant of Ireland is an Englishman; the Chief Secretary is an Englishman; the Lord Chancellor is an Englishman. The writer in this journal proceeds, in answer to an article in the *London Times* relative to this topic of complaint.

“The Archbishop of Dublin is an Englishman; the Chief Administrator of the Irish Poor-law is an Englishman; the Paymaster of Irish Civil Services is a Scotchman; the Chief Commissioner of Irish Public Works is an Englishman; the ‘Teller’ of the Irish Exchequer is an Englishman; the Chief Officer of the Irish Constabulary is a Scotchman; the Chief Officer of the Irish Post-office is an Englishman; the Collector of Excise is a Scotchman; the Head of the Revenue Police is an Englishman; the Second in Command is a Scotchman; the persons employed in the Collection of the Customs, &c., are English and Scotch in the proportion of thirty-five to one. But the *Times* may perhaps observe, ‘true, but all this is only the elucidation of our plan for unbarring the gates of preferment unsparingly, impartially, and honestly.’ Scotchmen and Englishmen are placed in office in Ireland, and Irishmen in return in Scotland and England, in order to draw closer the bonds of union between the three united nations. Again, let us see how facts actually stand: there are Cabinet Ministers, Englishmen 10, Scotchmen 3, Irish 0.”

The Duke of Wellington is so much denationalized, that I believe he scarcely considers himself an Irishman, and certainly cannot be called a representative of Irish interests in the Cabinet.

“Lords of the Treasury, Englishmen 4, Scotchman 1, Irishman 1; Clerks of the Treasury, Englishmen or Scotchmen 112, Mr. Fitzgerald (query an Irishman) 1; Members of the Lord Steward’s and Lord Chamberlain’s departments of the Royal Household, Englishmen and Scotchmen 225, Irishmen 4; British Ministers to Foreign Courts, Englishmen and Scotchmen 131, Irishmen 4; Poor-law Commissioners, Englishmen 3, Irishmen 0. We presume,” (adds the editor) “that these facts show that the natives of the three kingdoms are all placed upon an equal footing, the chances of access to preferments to an Englishman or Scotchman in Ireland, being in the few instances that have occurred to us while writing at 6 to 0; while the probability of an Irishman obtaining place in England, appears from an analogous calculation, to be in the proportion of 491 to 10, or as 1 to 50. We could easily swell” (he adds) “this list, were it necessary. Ireland has been always used by English ministers as a means of pro-

viding for poor relations, dependents, and partisans. Our highest as well as our lowest offices have been prostituted for this purpose. What would be thought of an Irish lawyer being called over as Lord Chancellor of England? yet, we are forced to take English lawyers as our Lord Chancellors. So through all departments of the Government, injustice to Ireland everywhere meets us, and so will things continue, until we learn to think less about party, and more about our country."

It is only just to the present Government to say, that they are not more exposed to the reproach of having excluded Irishmen from office than their predecessors. I am bound to tell my friends at this side of the House, that with respect to this topic of complaint, no act of the present Government has given more general dissatisfaction than was exhibited when an affront was offered to Lord Plunkett, one of our great historical characters, by forcing him to resign the office of Lord Chancellor, in order that an Anglo-Scotch common lawyer, for whom personally I entertain the greatest respect, might be enabled to fill for the space of a few weeks the situation of our first equity judge, previous to the abandonment of office by the late Government. Neither, indeed, do I blame the Government of England so much as ourselves, with reference to this cause of complaint. We have been so much in the habit, on both sides, of endeavouring to convince the world that our antagonists are unfit to be entrusted with power, that it is not surprising that we should have succeeded in convincing bystanders, that Irishmen are quite incapable of administering the affairs of their own country. I am sorry also to add, that in general the contending parties in Ireland appear to witness with more satisfaction the appointment of a stranger to office, than that of a native whose opinions are opposite to their own, and this feeling being mutual, the exclusion is perpetuated with a view to the satisfaction of the complaining party. It is singular, that what was said of us by Swift a century since, should still be true.

"The Irish had long made a deuce of a clatter,  
And wrangled and fought about *meum* and  
*tuum*,

"Till England stept in, and decided the matter,  
By kindly converting it all to a *suum*."

Speaking seriously, however, I would ask, is it fair to native talent, thus to take away the prizes of every profession from those who have earned them by a life of

honourable toil? If, indeed, there were a fair reciprocity between the three kingdoms, there would be no ground for complaint. But I would ask, if a single instance can be named in which an Irish clergyman has been taken from the active exercise of his profession in Ireland, in order that he might be appointed as bishop in England. I might extend the question to the law and to other professions. It is true, that a few Irishmen occasionally force themselves by their talents into office in this country, in spite of the most adverse circumstances, but before they can do so, they must become completely denationalized. They must cease to identify themselves with Irish feelings and interests, and dissociate themselves, as much as possible, from connection with their own country. I must not omit here to mention a complaint which I have heard repeatedly made by persons connected with trade. When the revenue establishments of Ireland were withdrawn and consolidated with those of England, a formal pledge was given, that a due proportion of the revenue officers to be thereafter appointed, should be always taken from among the natives of Ireland. I hold in my hand a printed statement prepared some years since by a person well acquainted with the excise department, in which it is shown that this pledge has been forgotten or violated, and that Irishmen are systematically excluded from the superior offices of excise. This paper is too long to allow of its being read upon the present occasion; but the Government and Parliament are bound to enquire whether these allegations are well founded. The result is stated to be most unfavourable to the interests of those who are connected with any trade in Ireland which is subjected to fiscal regulations. If a charge is to be made, or a defence to be offered to an unjust accusation, the Irish trader alleges that he is always encountered by a strong anti-national prejudice, which predisposes the public officer to whom he appeals, to take a view of his case unfavourable to his character and interests. Time will not allow me to elucidate this ground of complaint by a reference to particular instances. Indeed, if I were to make a statement of cases of injustice towards individuals, (of which the late mail coach contract, commonly called the Croal contract, is one of the most recent specimens,) I know not when



I should be able to bring to an end my observations upon the administration of Irish affairs. I turn therefore to an important question of public policy, and charge the Government with having acted in an anti-catholic as well as anti-national spirit in their distribution of patronage. Considering the known sagacity of the Premier—considering that he volunteered to tell the House upon a former occasion, that he knew how difficult was the task of governing Ireland, I am at a loss to understand how he could have shewn such fatuity in his conduct towards the majority of the Irish people. Never had a minister a fairer opportunity of conciliating the good will of a nation without making concessions of principle than that which was presented to the right hon. Baronet (Sir Robert Peel) upon his accession to office. After the results of the late general election had shewn that a change of ministry was unavoidable, the people of Ireland exhibited a marked disposition to give a fair trial to the new administration. For the first twelve months after their appointment, there was an extraordinary lull in agitation. Some might have even mistaken this tranquillity for apathy and indifference; but it was in truth a period of rational observation. The Irish Government was to be judged by its conduct, and not condemned by anticipation. Of Lord De Grey nothing was known, except that he was a man highly respected in his private character. Towards the noble Lord (Lord Eliot), the most favourable prepossessions were entertained. His conduct with respect to the municipal bill was remembered with kindly feelings, and the liberality of his declarations at the hustings in Cornwall, was calculated to raise the most favourable expectations. It is painful to me to tell him that these expectations have been disappointed. I know not whether he has failed to carry into effect the policy then avowed by him, from want of ability to realise his own views. He is, in truth, powerless. Not possessing a seat in the Cabinet, he is little more than under-secretary to the right hon. Baronet (Sir J. Graham), who is in reality, the ruler of Ireland. It excites in me much surprise, that a person occupying the high station of the noble Lord, should consent to be held responsible for a policy which he does not himself direct. If, on the other hand, he really approves of the system of Govern-

ment now adopted towards Ireland, I know not what we gain by his reputed liberality. The general result of the principle which has been acted upon towards the Roman Catholics of Ireland, has been to leave no link of connection between the Government and the majority of the nation. Such a state of things is the more dangerous, because the tendency of all recent legislation has been to increase the political power of the Roman Catholics, and nothing can be more unwise than to give power to men, unless you are prepared to allow them to enjoy its fruits. The Emancipation Act—the Reform Bill—the Corporation Act—the Poor-law—have given to the Irish people organs for the expression of the national will; yet no effort has been made to bring these powers into harmony with the Executive. When the Roman Catholic finds himself proscribed by a system of exclusion, is it not natural that he should assist in the restoration of a legislature to Ireland, the existence of which would compel the British Government to conduct the affairs of Ireland in a manner compatible with his own interests, and acceptable to the wishes of the nation? This feeling is strengthened by the contrast presented in the principles of government adopted towards Canada, and towards Ireland. There are many points of analogy between the circumstances of Canada and of Ireland. In Canada, as in Ireland, you endeavoured for many years to govern by means of a minority, for the benefit of a minority. The attempt led to perpetual contention between the Executive and the Legislature. These collisions terminated in a rebellion, which cost this country more than 3,000,000*l.*, and very nearly involved it in a war with the United States. At length you felt that its possession on these terms was a burthen rather than a benefit, and you had recourse to a wiser policy; you sent out one of your ablest statesmen, Lord Durham, to examine personally into the causes of Canadian discontent. In the report which he made after his return from this mission, he told you that the continued difficulties which had arisen in the government of Canada, had sprung from the attempt which had been made to conduct the affairs of that colony through executive officers who did not possess the confidence of the Legislature and of the people. He recommended that in future the Executive should be

brought into harmony with the representative assembly, by the employment in official station, of those who enjoyed the respect and support of the majority of the people. This principle of government was partially adopted by the noble Lord the Member for London, (Lord J. Russell,) and has since been fully carried into effect by Sir Charles Bagot, under the sanction of the present administration. The people of Ireland are unable to understand why one system of government should be adopted in Canada, and another of a totally opposite character should, greatly to their disadvantage, be applied to Ireland. Will you leave yourselves open to the imputation of having given to Canada, through fear, advantages which you withhold from Ireland, because you imagine that you can oppress us with impunity? Having completed my review of the causes of discontent which are connected with legislative and administrative government, I have now to notice those which arise from the social condition of the country. Whatever might be the prosperity of the people, the causes to which I have already adverted would produce dissatisfaction, but undoubtedly the national discontent is aggravated by the pressure of distress upon the various classes of the community. A general complaint is heard throughout Ireland, that trade is less flourishing than before the Union. The population has increased by 3,000,000, and therefore the actual amount of consumption is probably greater; but it is much to be doubted whether command of the comforts of life has increased in the same proportion as the population.\* With regard to Dublin, this decline of prosperity cannot be denied, and there is but too much reason to fear that similar complaints from other parts of the coun-

\* In answering this part of Mr. O'Brien's argument, Lord Eliot dwelt upon the increase of exports and imports since the Union as evidence of increased prosperity. When a country exports the surplus of its productions, after all its own population have been amply provided for, an increase of exports may be considered as a test of increasing prosperity; but we must not rely upon such an increase as an infallible indication of improvement. If the ox which was formerly sent to Kilkenny, to be exchanged for Irish cloth, is now sent to Leeds, in exchange for English manufactures, the table of exports and imports would exhibit an increase concurrently with an actual decline of trade in Ireland.—*Note by Mr. O'Brien.*

try are equally well founded. In reference to the condition of the labouring classes, I am persuaded that at no period of the history of Ireland, did they experience equal difficulty in obtaining the means of subsistence; and this state of things is the more painful, because their moral habits are much improved, and because it can no longer be said, that their destitution is to be traced to intemperance. The great majority of the agricultural labourers of Ireland are unable, during several months in the year, to obtain the scanty pittance of 8*d.* for their day's toil. It is obvious therefore that life could not be supported, if the family of the labourer were to depend upon wages alone. He accordingly provides for their subsistence by taking each year a spot of ground, on which he grows as much potatoes as are sufficient for sustenance throughout the year. The difficulty of procuring such portions of land—called in Ireland con-acre or quarter ground—increases every year. In like manner, the universal disposition which now prevails on the part of landlords to consolidate small tenements, presses very severely upon the poor farmer. In some instances the clearance system by which small holdings are depopulated, has operated most injuriously on the peace of the country. The unsatisfactory state of the relations between landlord and tenant, is the source of that cry for fixity of tenure, of which so much has been heard of late. The meaning of this expression does not appear as yet to be very well defined. As used by some of its advocates, it means that the tenant who happens to be in casual possession of land shall acquire a sort of *feefarm* right in it, subject only to a fixed rent to the landlord. The objection to this scheme is, first that it transfers the proprietary right from the landlord to the casual tenant, who may in many instances be a person little deserving of such an advantage; and next, that it makes no provision for the interests of the labourer, who under almost all circumstances is more an object of compassion than the tenant for whose benefit this plan has been devised. According to others, fixity of tenure, means that the tenant shall in all cases be entitled to obtain a lease for a certain term of years. This plan is open to the objection already stated, that it disregards the claim of the labourer. It is also obvious that unless it be accompa-



nied by some regulations to guard against the imposition of an excessive rent—regulations incompatible with freedom of contract—no real benefit is conferred upon the tenant; because the landlord will indemnify himself for compulsion to grant a lease, by exacting the highest possible rent. The third plan of fixity of tenure is that of my hon. Friend the Member for Rochdale, (Mr. S. Crawford,) who proposes that the occupying tenant shall be compensated by his landlord for whatever capital he may invest in substantial improvements. Though there is great difficulty in framing the details of such a measure, its principle is perfectly just, and well deserves the consideration of the House. I am fully sensible of all the difficulties which surround every proposal of this kind, but I am convinced, that if a bold attempt be made to grapple with these difficulties, much may be done to ameliorate the relations between landlord and tenant. Let a committee be appointed, first to ascertain facts connected with ejections, about which the most contradictory assertions are made, and next to devise remedies. I am persuaded that even though it should be found impossible to meet existing evils by direct interference between landlord and tenant, much might be done by indirect legislation. Let it be remembered, that it is to collateral legislation that we chiefly owe the present condition of the tenantry of Ireland. The sub-division of farms was first greatly promoted by the efforts of the landlords to obtain political influence through their forty-shilling freeholders, and has subsequently been checked by their disfranchisement. The present undue tendency to depopulate small farms, has in like manner been augmented by the operation of the sub-letting act, and I much fear that it will be still further increased by the proposed enactments of the Bill for the amendment of the Irish Poor-law. As the interests of the tenantry have been already injuriously affected by indirect legislation, so it is to be hoped, that by a series of beneficial measures, counter-tendencies may be created, which will produce an advantageous change in their condition, as well as in that of the labouring classes. I have now completed this exposition of my views respecting the principal causes of the discontent which exists in Ireland. Whether I have traced it to its real sources or not, its existence

is unquestionable. A large part of the nation is impressed with a settled belief, that there is no hope of obtaining from the British Parliament a due consideration of the rights and interests of Ireland. They therefore seek good government through the instrumentality of a domestic legislature. I am most anxious to impress the House with the conviction which I myself sincerely entertain, that the cry for Repeal is not the voice of treason, but the language of despair. Of those who seek a dissolution of the Union, not one man in a thousand at present wishes for separation from this country. Nor does there at present exist the least perceptible desire for a republic. Still less is there any wish for a change in the person of the Monarch. The people of Ireland have no ground for complaint against their present Sovereign. They believe her to be animated by the most kindly feelings towards them, and accordingly they entertain towards her the most enthusiastic attachment. Is it not enough to excite indignation, that our gracious Queen should not be allowed to visit her Irish dominions, to receive there the acclamations of her loyal subjects, because her Ministers fear that with those acclamations will be mingled signs of disapprobation towards themselves. I have now to ask Parliament what course it will adopt in the present crisis of Irish affairs. A few weeks since I should have addressed this question to the Government, but from them we have now nothing to hope. They have pronounced their *ultimatum*. "Conciliation has been carried to the utmost," is the language of the Home-secretary, who now rules Ireland. "Arms' bills and measures of coercion, if necessary, are all that we have to offer you. Redress you need not expect from us." I appeal, therefore, to you, the representatives of the nation, and ask you, what course will you pursue? Will you recur to a mild and beneficent policy, and strive to suppress agitation by removing the grounds of national discontent? Or will you fold your arms in inaction, and wait the course of events, without endeavouring to guide them? Or will you attempt to stifle the national voice by measures of coercion? I do not think you have had much encouragement to proceed in such a course. Every indication which has been already made on this side of the channel, of such an intention, has been received with shouts of defiance on the other. It needs no political saga-

city to predict, that if any portion of the population of Ireland, whilst the country is divided in opinion, should resort to force, a rebellion would be speedily crushed by the power of England, supported by a British minority. But, on the other hand, I will assert with equal confidence, that if the people of Ireland abstain from violence, and rely only upon moral organization, supported by the justice of their cause, and the sympathy of mankind, they will sooner or later compel you, either to accept the alternative of a Repeal of the Union, or to place the Government and institutions of that country on such a footing as shall be acceptable to its inhabitants. I listened with feelings of mingled regret and indignation to the right hon. Baronet, (Sir R. Peel,) when he declared, that under any circumstances, he would hazard the chances of a civil war, rather than concede a Repeal of the Union, even to the unanimous demand of the Irish nation. This ill-advised declaration, so offensive to our national pride, compels me to tell him, that if the people of Ireland were unanimous in desiring the restoration of their Parliament, they would obtain it without even striking a blow. There are numberless methods by which a nation of eight millions can give effect to their resolute determination. I will only mention one; I name it because I have seen you during the last twelve-months prostrate your national dignity, suspend your legislation, derange your finances, and disturb an important branch of your trade, in the hope of obtaining from the kingdom of Portugal a treaty of commerce, which would enable you to sell to that country an additional amount of woollen goods to the value of a hundred thousand pounds. When I see you making such sacrifices, in order to obtain this mighty boon, I would remind the representatives of the manufacturing towns in England, that a non-intercourse resolution passed by the Irish people, would take from them a market for their goods to the value of eight or ten millions. Let it not be said, that self-interest would prevent them from depriving themselves of the benefits which arise to both countries from the mutual interchange of their productions. A nation which has voluntarily imposed upon itself abstinence from an indulgence to which it was addicted, by refraining from every intoxicating beverage, is capable of making greater sacrifices

than that of consuming at home its own agricultural produce, greatly to the advantage of the domestic manufactures of Ireland. But if, at all hazards, the right hon. Baronet should determine to go to war with us, I would ask him, where are the forces at his command? In the British army there are 40,000 Irish soldiers, every one of whom is animated by sentiments as patriotic as those of the classes from which they were drawn. Let me tell him, that in such a struggle, the chances of failure are at least equal to those of success. If he should succeed, what is his gain? In Ireland—wide spread—universal desolation. To England, a countless cost. Should he fail, then indeed the glory of England will have departed for ever. History will tell of you, that at the moment when you had reached the summit of your power—when by peaceful colonization you had laid the foundations of mighty kingdoms at the Antipodes—when you had made the Ganges and the Indus your own streams—when by the combined prowess of British and Irish valour you had planted your standards upon the walls of the ancient capitals of China, heretofore unapproached by European arms—you fell from the lofty pinnacle of your greatness, because you preferred to trample upon the rights of a sister kingdom, rather than to win its affections by kindness and justice. I do not envy the feelings of that Minister who shall go to his Sovereign and say—When I took office I found the people of Ireland tranquil and contented; I found them devotedly attached to your Majesty's person. By misgovernment I induced them to seek the restoration of their own Parliament, and after uniting them in an universal confederation to obtain it, I went to war with them, rather than yield to the national demand; and now, may it please your Majesty, I have to announce the melancholy truth, that you have lost one-third of your bravest and most attached subjects. I know that I shall be blamed for holding this language, but I should deem myself unworthy of the country to which I belong, if I were to listen in silence to such a declaration as that of the right hon. Baronet, without retorting the threat which it conveyed; and it is better you should hear in time the voice of friendly warning, than that you should too late deplore the results of your own blindness and injustice. Before I conclude, I shall



not, on this occasion, shrink from expressing my own opinions with reference to the Repeal of the Union. As regards personal motives, I have nothing to gain, and much to risk by the severance of the legislative connexion of the two countries. As regards convictions, I have always been of opinion, that a perfect incorporation of the three kingdoms, accompanied by a due consideration of the peculiar circumstances of Ireland, and an entire equality of civil rights, would be more advantageous to all, than the maintenance of separate Parliaments. Nor am I insensible to the difficulties which beset the attempt to dissolve the Union. But, at the same time, I am bound to declare, that such an incorporation has not yet been realized: and that looking back to the history of the last forty years, it is my conscientious conviction, that Ireland would be at this moment a more happy and more prosperous country than it now is, if the Union of 1800 had not taken place. I have now sat for nearly twelve years in the British House of Commons, and during that period have wasted as much time within its walls as any of my cotemporaries, and if I were asked honestly to state the result of my observations, I am afraid I should be compelled to say, that with Irish feelings this House has little sympathy—little knowledge of Irish wants, and still less disposition to provide for those wants. I have seen during Session after Session, measures which would have been hailed with enthusiasm by an Irish Parliament, though supported by a large majority of the Irish Members, yet by this House almost contemptuously rejected. I have seen even during the present Session, measures forced upon a reluctant nation by English majorities, notwithstanding the remonstrances of those who represent the majority of the Irish people. I have seen the laws, institutions, and customs of Great Britain pleaded against us, whenever we have asked for deviations from your system which would have been advantageous to Ireland; whilst at the same time, when we have sought a full participation in the benefits of your institutions, we have been told that the circumstances of the two countries are wholly different, and require separate legislation. With this experience, is it surprising that I should often doubt whether the abstract opinions which I have formed in favour of an Union, such as seems never about to

be realized, are consistent with the duty which I owe to the country possessing the first claim upon my devotion. What is it to me that the maintenance of the Union is essential to the strength and security of the empire, if it do not bring with it welfare and happiness to my native land? Still, however, I cling to the hope of good government from a British Parliament. When that hope is extinct, I shall not fear to contemplate the remaining alternative; nor, if I should be compelled to espouse the cause of Repeal, shall I be the least earnest of its advocates. I have satisfied myself that it is practicable—I have satisfied myself that it is consistent with the allegiance which I owe to my Sovereign. Looking to the future, rather than to the past, I am not yet fully satisfied that it is equally advantageous to Ireland, as such an union as I have described. Give to us then, who still cling to the legislative connexion, with the hope of obtaining justice at your hands, but with the determination that if it be withheld, our country shall command our services—give us, by your decision this night, something which we may present to our fellow-countrymen, as a pledge of your disposition to repair the many wrongs which have been inflicted upon Ireland—give us arguments which we may address to them, when they tell us of the many instances which prove that Ireland has lost much and gained little by the Union. Depend upon it, that though in making such atonement, your national pride may be hurt, your position among the nations of the world will be exalted. The same sympathy which you feel for oppressed Poland other nations bestow upon Ireland. A country which, if well governed, would be the right arm of your strength, is now a source of weakness; and if a French army should, at this juncture, cross the Pyrenees, it would do so because that nation believes that your military resources are required in Ireland. I speak not of more disastrous contingencies, nor will I use one word of menace, but the aspect of affairs around us, justifies me in assuring you, that you cannot more effectually confirm the good will of those allies who wish you well, or defeat the machinations of foes who are jealous of our national glory, than by following the course which I now invite you to pursue, in resorting to measures which shall soothe animosities, obliterate distinctions

founded upon differences of race and of religion, and consolidate the Union of the two kingdoms by the bonds of equal laws, common rights, and of international justice. I now move,—

“That this House will resolve itself into a committee, for the purpose of taking into consideration the causes of discontent at present prevailing in Ireland, with a view to the redress of grievances, and to the establishment of a system of just and impartial government in that part of the United Kingdom,”

Mr. *Wyse* seconded the motion. He concurred entirely in the statements and sentiments of his hon. Friend. The proposition he had submitted to their consideration was a most reasonable one; it was a just, a constitutional, a parliamentary proposition. It was within the strictest precedents, in accordance with the most usual practice of the House. It was not a resolution pledging them at an inopportune period to some future course of action, which, when called on to carry out, they might find impracticable, or at all events inconvenient: it was not an address to the Crown, requesting immediate proceedings, on questions, in which they were far from being generally agreed: it was not even a motion for leave to bring in a bill, which, from the little chance at this late period of the Session, of carrying through any contested measure, could not be introduced with any hope of proceeding beyond one or two stages. It was a motion for a committee of inquiry—of inquiry into grievances alleged, and more than alleged to exist, affecting many millions of their fellow subjects,—grievances stated to be many, enormous, unendurable—grievances, which it was the bounden duty of this House and of the Government to disprove, or failing in that, at once to proceed with their whole soul and strength to their investigation and correction. The question was not how parties might be affected by such a motion, or what might be the convenience of Members. It was of a far higher and vaster import. It concerned matters of the greatest moment, and embraced, he might truly say, a whole people. Were the allegations well founded? Were the grievances real? Was Ireland in the position represented? Were the causes of that position truly stated? Were there remedies to be found for these causes? Was this the time to apply them? Could they with justice, with safety be deferred? These were the questions, simple but solemn questions, asked not by him, or by

his hon. Friend only, but by the whole country, and on the answers given to which depended, not merely the interests and happiness of Ireland, but the dignity, peace, prosperity, perhaps the security of the entire empire. What was the actual condition of Ireland? Was it one in which any Government or Legislature could justify itself, by the cheap trickery of kindly intentions, or afford to sit down with their arms crossed, in the absurd expectation, that the evil would by some necessary law of its nature, waste or burn itself out. Such was not the usual march of national wrongs or national calamities; Statesmen had something more to do than to allow events to take care of themselves, and even the cleverest physician would admit, that if less brilliant, it was always wiser and safer to prevent, than to cure a malady. Ireland was, he much feared, in a condition, which if permitted to continue, would render prevention no longer possible; he much feared, that every day diminished even the chances of a cure. From north to south, and from east to west, she was either in a state of excitement or of anxiety. Irritated by recollections of the past, goaded by new stimulants to resistance in the present, dreading and yet looking with vague and wild hope to the future—everywhere exhibiting uneasiness and uncertainty—no wonder she caused in the minds of all thinking men, feelings and forebodings the most painful; and to which they who were entrusted with her destinies, ought of all others to be the most sensible. It was of little use to rebuke her for this or that proceeding; it was only in the ordinary course of human nature, that she should grasp at every expedient, risk every experiment, which offered rescue, or even relief from her present state of suffering and forced inferiority. Nor was it any answer to say that these efforts were futile, or these experiments destined never to be realised. It was a narrow and cruel view of the case. Hon. Members ought to know, that the very effort successful or not was in itself an evil; defeat was sure to be followed by outbreak or despair, either by open resistance to the law, or what was scarcely less injurious, by that sullen hopelessness and despair, which strikes at the root of all progress and civilization. And were none even of these fatal consequences ultimately to arise, were some intervening providence to conjure away, when on the point of exploding this threatening storm—were there



to be no collision, no struggle, no catastrophe—was the present, he would ask, such a state of things, as to satisfy any man, who had at heart, the honour or interests of either country; was it such, as it became this empire for one hour to suffer, not in any outskirts of her distant dominions, not in a foreign dependency, or in a new conquest, but in her very heart, in one whole third of that very territory which constituted the strength and vitality of her moral and physical existence. Disease had seized one-third of her frame, and England consoling herself with the still continued soundness of the remainder, looked on with the most heroic or stupid tranquillity on the gradual advances of the malady. There was no ground that he could see to flatter themselves, that they would be able to put down the revolution, or prevent its arrival: the revolution had already arrived: this was a revolution: the worst of revolutions; diverting the public energies; wasting the public resources; eating into the public strength; stopping the road to every improvement; adjourning even the chances of every progress. These were evils, substantial evils, evils which no one attempted to deny which every one felt, and which could not be permitted to endure, without sooner or later involving this country also in them. It was no consolation to say they were caused by this or that circumstance, or by this or that individual. It is the ordinary course of blunderers, when some fatal mistake is committed, to attempt to shift the blame from themselves to others. But he denied the justice of these charges; he denied the adequacy of these causes. If they produced the present unhappy state of Ireland, he had a right to ask what produced them? Some hon. Members saw in Mr. O'Connell the whole "spring and origin of the evil;" others discovered in the Catholic Priests, acting under his directions, the chief spirits who directed the movement; others ascribed it to the inherent and indomitable tendency of Popery; others again, to the fatal error of conceding; should he say too soon or too late? Catholic Emancipation. Now these at best (giving them all the efficiency claimed for their action or influence) were mere secondary agencies. He looked, as did every man, who thought an instant on the subject, somewhat farther. They were mere outward symptoms, mere results of causes, seated far deeper in the system. With Mr. O'Connell, this Government and Legislature, at least, had no

reason to quarrel. They had created him, educated him, taught him, encouraged him, rewarded him. From their own statute-book he had learned all; it was his book of power; thence drew he all his magic. If he were an agitator, they were agitators before him—greater than him, stronger than him, more censurable than him. Without them, as he himself most truly said, his power would not endure one hour. It was not the work of a day he admitted: they had laboured at it sedulously: it took many a right refused, many a wrong inflicted: oppression continued and justice (as it was now) adjourned to make him what he was. Such had been the usual consequences of such a process of Government in other times and countries, and he saw no reason why nature should be diverted from its course, for the pleasure of any man in these. The Catholic clergy were, as far this country would allow them to be, the peace-preservers of Ireland. Hon. Members had each their own type of a Catholic priest, and especially of an Irish Catholic priest. He was not disposed to rectify or reconcile these differences. But there was none of them but must know, that coming from the people, living with the people, supported by the people, and above all, teaching, comforting, and consoling the people, Irish Catholic priests, not by compulsion, but by sympathy, must necessarily, think, speak, and act with the people, whenever the people had good grounds to know and feel themselves aggrieved, and to call on them for their co-operation. By becoming priests they had not ceased to be Irishmen. And perhaps it was fortunate it was so. There were many cases, where whatever the Catholic might feel, the Irishman did not hesitate to oppose their dictates. They were often obliged to place themselves in the van of popular movements, more to keep back than to encourage onward. If they halted they would be left behind, or perhaps trampled on in the rush forward. Take away this influence, cut through this sympathy—what had they to substitute in its place—and what would a people be left to itself—left without such influences and sympathies—but an excitable mob, exposed to every random impulse, from its own ignorance, or the designs of those interested in their excitement. Of the tendencies of the Catholic religion, this he felt was not the place to speak: he left the question without apprehension to the verdict of history. Every religion in its intermixture with human

nature and human passions was, of course, liable to perversion; none were exempt from the imputation: but there were few that could not with success be defended from the charge of, by doctrine or influence, encouraging crime. He thought it, therefore, most unjust, to taunt, (as had been too often the practice in that House), the members of the Catholic religion with belonging to a faith which patronised sedition, violence or intolerance. If there were Philips the 2nd, there were also Catholics as willing as any Protestant to resist him and his intolerance. He could refer to examples still nearer, which would be enough to prove, that religious charity and liberality were not of any faith or party exclusively, but belonged to Christianity itself wherever it was rightly understood and practised. What Catholic but did not feel a pride in having it in his power in answer to these taunts, to point to the glorious example of Lord Baltimore, the truly great founder of the republic of Maryland.

"In the year 1636, the Catholics (he quoted the American historian) took possession of the little place, and religious liberty obtained a home, its only home in the wide world, at the humble village which bears the name of St. Mary's."

In that colony Lord Baltimore—that same Lord Baltimore, be it remembered, who had been driven from Virginia, by the zeal of its Assembly, which had insisted on an oath, which no Catholic could take, the oath of supremacy,—Lord Baltimore, absolute lord and proprietor of Maryland, almost as his first step in taking possession of the new Government, in noble contrast to these Virginian legislators and the still more boasted pilgrim fathers, penned with his own hand, an oath—the only oath required to be taken in the freest representative body amongst the whole of the American colonists, to the following effect:—

"That he would not, by himself, or any other, directly or indirectly, molest any person professing to believe in Jesus Christ, for or in respect of religion."

It was easy for present men, to boast of their liberality, with the influence and example of other countries around them, but to direct and stimulate them in that age, when every country, he might almost say every faith, was a persecutor, with the exception of this very Catholic state to which he had just adverted. The experiment succeeded as it would have succeeded in Ire-

land, as it would succeed in every country, where it should be allowed a fair trial. Under his mild administration, under these just equal laws, the wilderness became a garden, domestic factions were unknown, and even Protestants found a friendly asylum in the arms of Catholics, from the persecutions of fellow Protestants. Its history was the strongest eulogium on the wisdom as well as beneficence of religious freedom; no other colony surpassed Maryland in prosperity, as none had surpassed it in true religion, and in sound policy. Why was not this example followed in Ireland? Was it surprising, that from its not having been followed, consequences precisely the reverse to those just noticed, had resulted? It was idle to trace to such a faith as the faith of Lord Baltimore and let him add the faith of 7-8ths of the Irish nation, grievances and calamities, which no other nation, professing to the same extent, the same religious creed, had ever yet experienced. The true causes lay beyond all this; such plea was a mere self-condemning, shallow pretext, to conceal from public inquiry and reprehension, the real origin and state of the malady. To those causes he would now address himself, not indeed in detail, which had fortunately been altogether rendered unnecessary by the searching and ample exposition of his hon. Friend, but in sufficient extent, at least, to justify him before the House in the course he was then adopting. He did not wish to charge the existing Government with the whole weight of this national guilt: he well knew they had many participators; the history of Irish wrongs stretched through generations, not to speak of ministries, the misgovernment was of old standing, but this he would charge them with, (and he knew not whether, taking into account their superior knowledge and augmented experience, it was not the greater delinquency of the two), he would charge them with the guilt of having continued that misgovernment, or if they liked the phrase better, allowing that misgovernment to continue without using, as men were bound to do who took upon themselves such sacred and awful responsibilities, measures the most effective, measures the most immediate, to put a stop, now and for ever, to a system, which had not produced, and could not produce any other fruit but injustice and wrong to one portion, discord and insecurity to every portion of the community. He would first call their attention to the



condition of the agricultural population of Ireland. It was not surprising that in a country exclusively agricultural, there should be in reference to the population, a disproportionate competition for land. Whether this exclusiveness were as some thought salutary, whether it were unavoidable in the geographical position of Ireland, in the limitation of means and opportunities for manufacturing industry possessed in such great abundance by England, and especially in the difficulty of competing even if they did exist, with so near a neighbour, with so long established a system, already in possession of all the great markets, and above all with the immense capital, and the boundless credit which England possessed, were all questions of the highest importance, but the discussion of which he must for the present defer. The existence of the fact was sufficient for his argument; it was enough, that the competition of land in consequence was most active, in many instances most pernicious. From it arose the whole system of extravagant demands on the part of the landlord, careless cultivation, and utmost misery on the part of the tenant. In this country the bidding for land, was like the bidding for any other description of property; failing in obtaining one, the bidder had always the chance, or rather choice of some other kind of investment for his capital. In Ireland, it was struggle for food or no food—a contest of life and death. But this evil was enhanced by another. In this country, the tenant had usually but one landlord—the landlord many tenants. In Ireland the case was often reversed; the landlord might have but one tenant, but there was many a tenant who had half a dozen landlords. This was the Middleman system to which even in that House, he presumed few were strangers, a system more ingeniously calculated to exhaust, separate, and demoralise—to injure and corrupt all the relations between proprietor and occupier, he did not believe was to be found in any other country. At the same time, he was far from attributing all its evils much less its origin to existing parties. It was of some antiquity. It dated as high as Cromwell, if not higher. When Ireland was attacked by a succession of different armies—he would not call them colonists—who were planted or who planted themselves as it was termed in the country—it was necessary in order to retain their fickle services, or reward if not fix their ambiguous loyalty, to confiscate a propor-

tionate quantity of land from the actual inhabitants, (grounds for confiscation were always ready) and transfer it from these possessors, to the leaders of the invading hosts or hordes, and their rapacious followers. Soldiers as the majority were, it could not be expected they should so easily change their sword into the sickle, or evince much taste or knowledge of agricultural pursuits; they soon returned to their old vocation, and consigned their lots at a small profit, to some new adventurer. A succession of these transfers rapidly took place—at first in the shape of purchases, then of mortgages, finally of leasehold interests. The proprietor preferred receiving little, and punctually, than with the hope of receiving much, running the chance of receiving nothing. These arrangements generated that subordination of tenure, which not less than the excessive subdivision of land, high rents, and uncertainty of interest, have been the fruitful cause of the misery of Ireland,—a subordination of landlords—or rather a subordination of vultures, all preying in succession on the unfortunate cultivator. The Non-Subletting Act was the first measure of any efficiency directed against this system, but it may be doubted, if the distress of the times, which between proprietor and tenant, crushed many of these intermediate landlords, had not assisted, whether this like many other similar laws would not have been eluded. Nor was this remedy unaccompanied by a certain degree of injury. Where many of these leases had been got rid of, it was not so easy to get rid of what during their continuance these leases had produced. Estates were left covered with a generation of paupers, encouraged by Middlemen for their own profit, reckless of proprietor or occupier. Proprietors in many cases attempted to apply an immediate remedy. The attempt was as impolitic as it was cruel. Clearances took place—they were met by agrarian outrages—outrages not directed against class, religion, or law, but against the man, often as much from a fear of what might take place, as from a spirit of revenge at what actually had. The “Fixity of Tenure” plan, which had been proposed as a means to check these evils—had neither in its extent, or nature, he thought, been sufficiently explained. Its importance for good or evil entirely depended on this explanation. Proprietorship, or such interest as came nearest to proprietorship, he

had always thought a much greater stimulant to effective cultivation of a farm, than extent or situation of the farm, be it what it might. He had seen in various countries, holdings not larger than those occupied by the smallest farmers in Ireland, brought to a degree of fertility he might almost say garden nicety—through the cheerful, and so far cheap industry of the occupier, which he did not believe attainable by any other process. But the cultivator and the proprietor were, it must be observed, one. What he sowed he felt he was sure to reap. To attain this security, to inspire this conviction was indeed a matter of utmost moment, and worthy the attention of the greatest statesmen. It was obvious it was not compatible with a system, which exposed the cultivator at every turn to the caprices of a landlord, as ignorant of his own interests in many instances as of that of his tenants, at the same time he doubted much whether in this more than in any other contract the arm of the legislature could be called in with advantage to either party: duration of leases, amount of rent, periods of payment, with the thousand other particulars involved in the very nature of the relations between landlord and tenant were so much matters of circumstance, of place, time, individual feeling and object, that he feared they could be regulated by no other authority, than by the parties themselves, and any attempt to interfere with this freedom of action by laying down a uniform course of proceeding, whilst intended to protect against an abuse, might be opening the way to many others. But short of this there were many grievances to remedy, many gross oppressions to check, quite within the reach of ordinary legislative enactment. The clearances of estates might be controlled by a proper application of an emigration tax; fair remuneration determinable by certain recognised estimates, for outlay in improvements with the consent of the proprietor, might without any violence to the rights of ownership be efficiently guaranteed to the occupier, above all, the people themselves, by diligent attention to their wants moral and physical, on the part of their rulers, by furnishing them with fair opportunities for employment, by not merely recommending but encouraging industry, the people might be so raised in the social scale as to have the power themselves of exacting these equitable conditions, as he understood they were enabled to do already in the north of Ireland, by the force of sound public

opinion, without the intervention of any act of Parliament. But for this, as he had already said, the Government must afford the country opportunities, not indeed by a lavish and profitless expenditure of the public money, but by doing what every other government in similar cases had done,—by stimulating the national energy and inviting the public capital. Ireland was amongst the few countries now in Europe, where no efforts on an extensive scale for railroad communication were carrying on. All preliminaries of survey and inquiry had been gone through—all that remained, but that was the essential, was the work itself. The Government thought this should be left to private enterprise, as in England, but Ireland was no more in the same position as England—than France or Belgium.—She was near England geographically—but not near her in social improvement. She had been forcibly kept back by England—it was the duty of England now to atone for this crime and error—and by the exhibition of at least equal force, to bring her onward, to bring her up to a level with herself. If ever there were a case where departure from the rigid rules of political economy would be sound policy this assuredly was that case. No private capitalist, no company could stand in the same position, or hope to reap the same advantages as a government. The Government not only had a right to expect the same per centage on its outlay, but had beside to reckon, on the augmentation of the Customs and Excise, on the diminution of want and crime, consequently on the lowering of the expenditure for the army and police, which were the never failing results—of increased communication. These were matters, no doubt, of pounds, shillings and pence,—but he hoped the Government and Legislature of a free and enlightened country—if they set the least value on either distinction—looked somewhat higher than all this. A country which had in one night voted away twenty millions for the liberation of the blacks of the West Indies, need not be told, that there was a greater glory, a loftier aim, for a great people, than the merely heaping up of gold, in the coffers of their Treasury. To redress wrongs, to conquer discord, to plant peace, for poverty and discontent to substitute justice, industry and prosperity, these were the acts which became her, who boasted the noble privilege of leading on the civilization of Europe. But he would at once be told, that this depended not on this country, but on Ireland itself—that as



long as agitation reigned, commerce would naturally keep aloof, capital would fly its shores, and industry no matter what efforts might be made to rouse her, continue as she now was palsied, and apathetic. It might be so, but this merely carried the question, only one or two steps farther. What was the cause of this agitation? The voice of a single man could not command it, there must be other voices to re-echo his in the bosom of the nation, to give his voice effect. These voices were the expression of a real grievance, not of one only, but of many grievances—grievances felt generally, felt deeply. He need not look far for such. He had already dwelt on the agrarian and physical position of Ireland—he turned now to its moral condition—and he was at once met at the very outset by the Protestant Church. It was now no time to shut their eyes to the importance, to the urgency, of this branch of the great Irish question. Indeed it was no longer in their power to do so—they might not wish to meet it, but it met them, at every turn. No one act of public policy which did not more or less take its colour. He did not at present intend to go into an elaborate discussion on its many bearings. There would be abundant opportunity, he was well assured, perhaps even before this session closed, but certainly in the next, for such considerations; nor was he unaware of the little favor which a Catholic member was likely to obtain, at any time, for such deliberations. He would content himself in consequence, with merely asking the House to remember and ponder well on some few facts. He would ask them, was it or was it not true, that in Ireland, a nation of no inconsiderable importance, containing eight millions of inhabitants, seven-eighths of the entire population were members of the Catholic religion, the remaining one-eighth of the Protestant. He would ask them, whether that one-eighth, were not in the exclusive enjoyment of the revenues originally destined for the education and religious instruction of the seven-eighths, as well as the one-eighth, that is of the whole nation: he would ask them could they point out a similar state of things in any other country of the globe, in this nineteenth century, or indeed in any other former one, without its having been maintained by the strong arm of open tyranny, or resisted, and at last triumphantly shaken off by an indignant people?—And with this voice of mankind, this *communis sensus gentium*, to instruct and rebuke them, he would there leave them and not press the

question farther, but merely warn them, after such and so clear a manifestation, not to tempt the Providence too far, that guides nations and chastises rulers, or expect miracles contrary to the invariable law of moral nature, to be worked he did not well see, on what pretension, for their special indulgence. Hon. Gentlemen on the opposite side said, that they had no choice—they must preserve the Protestant Church in Ireland in the full integrity of its power in order to maintain the Union; while others again told them they must support the Union in order to preserve the Protestant Church. Now this at the best was a very double-edged, a very dangerous argument. It might be turned the contrary way. Those who were opposed to the Protestant Church, might on this principle, be impelled to oppose the Union, in order to get rid of the Protestant Church; while those who were hostile to the Union, might think themselves justified, in order to effect its repeal, to begin first by getting rid of the Protestant Church. He did not admit the force of either argument, but he would not say how it might operate on the minds of two very powerful parties in Ireland. He would wish to place it, irrespective of all these circumstances on its own merits. He would therefore argue it, not as a question *de facto* but *de jure*. He asked the House to suppose for an instant that the three countries—England, Ireland, and Scotland, were still separate nations; each with its peculiar laws, its special institutions, its particular faith. He asked them to proceed with him a step farther, and to imagine that after a series of idle and absurd struggles, certain losses and doubtful or fruitless victories they had at last come to the conclusion that it was not good for them to live alone, but that for their common benefit and mutual security, it was essential they should combine their hitherto hostile strength and wasted resources, not merely in a federal but an incorporated Government, and that each state had appointed their commissioners to arrange the terms of this junction and incorporation. There had been no conquest, no subjection, no submission: the only condition therefore on which they could consent to meet—would, of course, be perfect and entire, equality—*paribus si legibus ambæ invictæ gentes*—for reciprocal advantage, common laws and united support. Now, if in the course of these sittings, the English Commissioner were to say to the Irish, “we insist on establishing in Ireland, our

Protestant Church: we know, it is not the religion of the majority of your nation: on the contrary, we believe it to be the faith of a very small minority: we know that if you shall continue separate it will not be suffered, it can not be established: we know also that we have come together, on the understanding of perfect equality, but then, as we are henceforth to be one united people; and that we are more powerful, more numerous, and above all have the good fortune to profess a faith in every way superior to yours, we do not see that by enforcing such demand we are imposing on you an unfair or unreasonable condition, but on the contrary, rendering you an essential service." He would not say what under such circumstances, would be the reply, or what ought to be the reply of the Irish Commissioner, but allowing for a moment the force of this English reasoning, allowing that it were, acquiesced in, by the Irish Commissioner, he did not see why he in turn, should not be entitled to use every single word of the argument to the Scotch representative, and insist on precisely the same grounds on the establishment of his Catholic Church, in Scotland. Ireland was in reference to Scotland, what England was in reference to Ireland, of greater extent, larger population, more power, and had quite as strong a conviction of the superiority of the Catholic religion to the Presbyterian, as England could possibly have of the superiority of the Protestant to the Catholic. He did not think indeed an Irish Commissioner would be likely to make such a proposition—he saw no indication of it, in the history of the Irish Catholics, when in power—but he well knew, if he should, what would be the indignant answer of the Scotch. He would answer, and the whole people would with him, as their forefathers had more than once done before, "that they had taken their religion by solemn covenant for better or worse, that no earthly power should separate them from it, that betide what might they would abide by it, and that if such was to be the conditions of this pretended Union, but real subjection, live their religion, and perish the Union." Could Ireland blame them for such determination? Certainly not. Could England? He knew not—but this he knew, whether blaming such determination or not, England had before this been obliged to yield to a very similar answer. Scotland made such an answer to her pretensions, in the reign of William, and followed up her words, by a more powerful eloquence, an appeal to

her claymore. If it were a good answer to Ireland, and Irish Catholics; (and he did not deny it was), he did not see why Ireland and Irish Catholics had not just as good a right, and as much reason, to make a similar answer to Protestant England. It was no answer to say, that circumstances were different: unfortunately they were, but as he before said, he would argue the question "*de jure*," the question was not what was, but what ought to be, and when what ought to be did not coincide with what was, how could they in justice blame any people, for endeavouring by every means in their power to effect it. To talk of an union, founded or maintained on every other principle, was not merely folly but insult. If not resulting from attachment, and sustained by common interests and equal rights, it resulted from conquest, and was held together by force—in other words, give it what name they pleased, it was at best but a virtual tyranny. He was not for going into the special merits or demerits of the Protestant Church still less of Protestant Churchmen; he had no doubt that many of its members were an honour to any community; he attacked, and in the interests of Protestants and Protestantism itself he would add, not the man, or his faith, but the system. He did not believe, as many would wish to insinuate, that the only motives for the wide spread hostility of the country to this institution arose from religious bigotry, or pecuniary rapacity. He saw less of either of these vices in the true uncorrupted character of the Irish people, than in that of most other nations. But action will produce re-action, and oppression resistance, and persecution intolerance. A people had a right to know what was done with their own, and it was no great stretch of parsimony to complain of the application of Catholic funds to purposes purely anti-Catholic. It was not the Catholic Church that was looking to the resumption of Protestant endowments, but it was the Irish people claiming the establishment and maintenance of British equality. The English people were a mercantile people, but surely they would allow the operation of causes and motives quite as powerful as any which could originate from mere pounds, shillings, and pence. Money was not the all-absorbing passion, the all-in-all of Ireland. Was nothing to be allowed to the nobler springs of her nature, to wounded pride, insulted honor, the stinging sense of injustice, the deep seated conviction of truth and right?



The people of Ireland must be destitute of the commonest feelings not of Irish, but of human nature, if they could with patience look on, day after day, on the many scenes which they were condemned to witness. Why, they excited the astonishment of every traveller of every nation—even of Englishmen themselves; in this country, if by any possibility they could be exhibited, they would not be tolerated for four-and-twenty hours. Congregations of four or five thousand persons were to be seen kneeling in the rain round some miserable hovel, (there was no cover for them within), under the name of a parish chapel, probably built on the site, and often from the ruins of one of their own ancient churches, while not far distant they might perceive the handsome English-built, new raised, well lit, well ventilated, well warmed Protestant Church, with a lady-and-gentlemen congregation of four persons. It did not require a people to be very ignorant to feel excited at such a contrast. On the contrary, they must be ignorant indeed, if they did not feel it. Yet to ignorance, to an ignorant impatience of all religions but their own, were these feelings not of Irish nature but human nature as he had said, most ignorantly ascribed. The public prints of this country again and again asked their own bigotted public, far more bigotted and with far less cause, in many respects, than the Irish—“what else could they expect from this brutal and ignorant people?” If this charge were true, a more severe impeachment could not be preferred against any people. Guilty, indeed, were those who allowed the immortal part of any nation thus to lie in darkness and immorality. But on whom in this case lay the guilt? Who had the management of the Irish people? To whom was entrusted their education! or rather, who forced their education out of the hands of its natural and legitimate guardians? It could not, he thought, but be admitted by any one pretending to the least acquaintance with them, that the Irish people generally possessed from nature the highest intellectual dispositions. If these dispositions had not fructified to knowledge, the fault lay in the instructor, and not in the pupil. The English Government and Legislature, not content with merely neglecting, prohibited education; they made knowledge penal, they enacted ignorance, and with ignorance all its fatal consequences by act of Parliament. They hunted Catholic

priests not only from the chapel, but from the school-room, banished them from their functions, flocks and country, rendered education abroad a felony, and then penetrating the recesses of the domestic circle at home, rendered the demoralisation perfect, by forcing the child from the father and consigning him, under a feigned name already an orphan during the lifetime of the parent to the cruelties and depravities of their own Charter schools. All this was written in large letters in their statute books and reports, they could then see that the evil became at last so monstrous as to work its own cure, it was declared in that House to be beyond reform and there was no remedy but suppression. The public indeed, had anticipated the verdict, and from the notorious demoralisation which prevailed in those chosen seats of vice, ignorance and proselytism had long held it a disgrace to have their families contaminated by any apprentice who had incurred the misfortune and stain of receiving, could he call it, an education in their bosom. Yet was it the descendants of the men who did all this who gloried in having done all this, who now turned round and ventured to tax the Irish people with that very ignorance which their own forefathers had so sedulously and for a while so successfully, endeavoured to cultivate, and extend. Every tree produced fruit after its kind; not with the fruit ought they to quarrel but with the tree; nor with the tree, but with its planters and propagators. But the fact was, the people of Ireland were not ignorant, neither were they blind—that was not their crime; by their own efforts, despite of any obstacle, they had long since rescued themselves from that imputation; their fault, with this country, whatever they might assert to the contrary, was not the seeing too ill, but the seeing too well—not feeling too little, but too much. They knew their rights, they knew their wrongs, the most important of all knowledge for a nation; above all, they knew the means by which wrongs were to be redressed, and rights were to be attained. It was not ascendancy they aimed at, but equality they demanded; not to extinguish the Protestant Church, but to place their own by its side was their object. He feared, however, from the statements made by the right hon. Baronet opposite some nights ago, he could entertain no hope, that as far as he was concerned, this desire of the Irish people was likely to be speedily realised. The

right hon. Gentleman, if he understood him well went so far as to declare such event impossible. He reduced his doctrine on the subject to three very distinct propositions. He asserted that the ruin of Ireland would result from the extinction of the Protestant Church, that this extinction was sure to follow the severance of its temporalities, and the severance of any one portion of these temporalities, entailed the severance of the remainder, in other words, that any change in the application of the present endowments of the Protestant Church in Ireland, led inevitably to the ruin of that, not Protestant, but Catholic kingdom. He would be sorry to go with the right hon. Gentleman to the extent of so monstrous a proposition. He believed nations, and especially the Irish nation owed its vitality to very different, he might say opposite, causes than those to which the right hon. Baronet ascribed it. If it had any share of prosperity it was in a despite and not in consequence of its overgrown Church establishment. But the other steps of the proposition were just as untenable. Churches had lived without establishments, nay flourished, and religion had risen and grown up without churches. If it were upon such axioms as these, he based his opposition to all future adjustment, he must say he had as little chance of maintaining it as his former resistance to Catholic emancipation. It would be ludicrous if it were not painful to hear this, or any other measure, which did not come up to the full level of the wants and wishes of the times, denominated a final measure. Every measure of the kind had in turn been declared final, and undoubtedly so continued until another final measure in its turn took its place. He knew of no finality but that which was to be had through full-sufficing justice; half justice was often worse than no justice—it continued to refuse rights, but gave additional motive and power to obtain them. The Catholic Emancipation of 1829, no more closed the question than the Catholic Emancipation of 1793. It was the last of a series but the beginning also of another. That was the natural progress of things; the history of Ireland, throughout, like every other history, bore evidence of it. If it were otherwise, history itself would be inexplicable, and Government a mere guesswork. That history could not have been read by the right hon. Baronet (the Secretary for the Home Department), or he would never have made the declaration he charitably presumed which they had heard

from him on a recent occasion, that concession had reached its ultimate point and could not be carried farther. Why, this was the very declaration made at every stage from 1776 down to the Catholic Emancipation, and where were the Catholics now? Did the right hon. Baronet mean that it would have been well in the Catholics to have taken such declarations when made for what they purported to be, and there have stopped, or did he not think that the men of that day had acted not only with more patriotism, but more wisdom, in disregarding these unalterable resolutions as they affected to be to grant no more, and confiding in a good cause their own exertions, and coming events, heedless of this man's hate or the other man's fears, until they had attained their present merited and rightful position, were right in pursuing as they had done their own resolute and victorious course. If it were good sense and sound policy then, it was good sense and sound policy now. He must know, that concession will produce more concession, until there be nothing which ought to be conceded; he must know that the constitution of England being an unwritten constitution admits of such changes, more easily than any other; finally he must know that not one of these concessions, however long resisted, however strongly objected to at the time, but has turned out to be not less a boon to Protestantism than to Catholicism—not less a security for future concord and prosperity to England than it has been to Ireland. He had thus not disposed of, but touched on two of the principal points adverted to by his hon. Friend, there was one still remaining which he could not help noticing very briefly, before he sat down; he referred to the claim which Ireland made for a larger share in the management of her own domestic affairs. The House was aware not only of his opinions, but of the course he had adopted in maintenance of those opinions, on the question of Repeal, when it was first discussed in 1832. He had then been explicit with his constituents and the public, and had proved his sincerity by abiding by the consequences, which he was well convinced were sure to follow. He did not wish farther to advert to these events at present, or to argue the question on mere temporary or local circumstances. He would place it on broader grounds. He thought that these countries, so long as they continued under the same crown, and had to direct and discuss



the same imperial objects, would necessarily require for such purposes an imperial Legislature, the object of all legislation being to collect and combine as much as possible the scattered opinion of the community on matters common to them all, but it did not follow that for subjects purely domestic and local, this imperial or central Legislature was always the very best. Centralising too much and localising too much, were opposite but equal errors; it was not by suppressing either, but by balancing one with the other in fair proportion, that they could both be made of universal utility. He had heard the excessive centralization of despotic governments complained of, but he hardly knew of any instrument or institution legislative or administrative, of a more centralising, more monopolising, more absorbing character, from the very nature of its organization and functions than the Imperial Parliament itself. No object was too small for its eyes or arms. It saw everything, seized everything, wielded everything. It was an Argus and a Briareus. Writers not without reason had called it omnipotent. The course of imperial legislation was clogged and delayed Session after Session, by bills, committees, reports, returns referring to questions purely local and domestic. These local and domestic questions with great advantage, with great facility, might in his opinion have been confided to those best qualified and most interested to manage them judiciously and expeditiously at home, and the Imperial Parliament have thus been relieved from an immense mass of what he must term mere parish and vestry business. Arguing thus, he could not see why Ireland and Scotland also might not have their local bodies, for the management of their own local concerns, leaving to the Imperial Legislature the conducting of questions affecting the entire nation. He did not wish to repeal the Union, but to add to the Union, by giving in addition to the power they had in the Imperial Parliament, to every member of this mighty state, as far as it might be found consistent with the general harmony and safety of the whole, the management of their own particular affairs. Were this not practicable, there was at least an approximation to it which he thought quite so, and which he had more than once urged on the consideration of the Legislature, he referred to the extension of the Representative principle to the organization of bodies, employed in the fiscal

management of counties, under the name of County councils or County boards. If a representative organization were just, and advisable in towns, he could not comprehend by what course of reasoning, it could be shown to be unjust or unadvisable in the adjoining districts. It was a very important principle, and what had often been boasted of, as the essence of the British Constitution. He could not understand, why one portion of the community should in virtue of some arbitrary division of town wall or municipal boundary live under one constitution, and another under another. He would now conclude, but he implored them before he sat down, that if they really intended to act in a wise and just spirit towards Ireland, to act at once. It was true, the forces of the two countries were not equal, but neither was their position. The attention of England was directed to the multitudinous objects connected with an empire which stretched its arms over the entire globe. She had to rule in two hemispheres, and over many millions of men. The attention of Ireland was not fixed on Canada, the East Indies, or Turkey, or Spain, or France, it was fixed earnestly and unremittingly, and inevitably on England alone. Nor had Ireland allies only in her own ranks, she had others where they might least in the opinion of some be expected, in the very heart and conscience of England herself. Few even in that House, but in their cooler moments, when removed beyond the dust and glare of the party battle and momentary triumph, but admitted in their inward and better self that she was much wronged, was deeply suffering, and in the main was thoroughly right. Again, he implored them to let this better spirit speak out, and as it ought to do prevail,—to give words as well as thoughts, and deeds better than either, and not to wait till the appeal, he would not say compulsion came from without. Ireland had always attracted the attention of the continent. The Spanish Armada was to have landed on her coast, Louis 14th had similar designs, which fortunately had not been fulfilled. Revolutionary France inheriting the same projects had also attempted a descent; even America was not insensible to the temptation which disorganization and discord must always naturally offer. He heartily hoped that his native shores might never be made the battle field for contending nations, and in that most earnest hope and desire he now appealed, not to men but to justice. The Irish people now asked no

thing more than what they had been asking from the time of Henry 2nd to the present day, "Give us your own laws, govern us as you do yourselves." This is a reasonable demand, this demand they will not, they cannot, they ought not, for their character as a nation, and as long as there be an Union give up. It is for this House to say whether it shall be granted, and whether it shall be granted in time. Let not Ireland have still to say and to say with truth, that whenever concession had been made to her, it had been ever from a reluctant hand, and accompanied with restriction if not insult, that it was not until England had become apprehensive of a French fleet thundering on her shores, that she gave her her commercial rights; that it was not till she saw 100,000 volunteers with their eighty-three pieces of cannon, that England spoke of her as a free nation, that it was not until, as the Duke of Wellington said in the other House a civil war was irresistible, that Catholic Emancipation was conceded, "not to justice, but necessity." From 1776 to 1829, concession had followed concession. England had been forced onward from necessity to necessity. These necessities are not yet exhausted, other concessions remain yet behind. She must go on reluctantly or willingly. If justice be now done, it will be a pledge of future concord, if delayed it will be a triumph forced from her, though late at last by the moral sense more powerful than the sword of the whole civilized world.

Lord *Eliot* said, that the questions to which the hon. Member had called the attention of the House in his very able speech were so multifarious and so important, that it was impossible for him to do more than cursorily to deal with some of them. The questions of Church-rates, repeal, reform, municipal corporation reform, the Poor-law, and others, had been treated by the hon. Gentleman, any one of which would furnish subject-matter for a whole evening. He, therefore, felt the difficulty of replying to the hon. Member, but he did not like to pass them all wholly by without notice. The resolution contained four propositions; first, that there was discontent in Ireland—that he readily but sorrowfully admitted. The second was, that there were grievances in Ireland; that he was not indisposed to admit; though he thought they were of a social rather than a political character, and not of a kind that Parliament could

remedy. That seemed to be, in part, admitted by hon. Members opposite, for the noble Lord had spoken the other night of the relations of landlord and tenant, and said, he saw no means of remedying the evil. The third proposition was, that the House could remedy the grievances of Ireland. Now, he could not think with the hon. Gentleman, that a committee at that period of the Session could possibly afford any remedy; and he was sure that no committee which spoke the feeling of the House could agree on any one remedy. Another proposition was, that an impartial Government did not exist in Ireland. That he did not admit. The hon. Member had not shown either, that the law was so different in Ireland and in England, that the Irish had any cause to complain, or that the law was so administered as to give them any such cause. With respect to the appointments of the Government, he thought it had been admitted by one hon. Gentleman, at least, on the opposite side, that a Government could not appoint their political opponents, and as the Roman Catholics, it was generally admitted, were, for the most part opposed to the Government, it followed, that the larger portion of those appointed must be Protestants. With respect to the assistant-barristers, the only one that had been appointed since the Government came into office was a Roman Catholic. One stipendiary magistrate had been appointed since they came in and another re-appointed, both being Roman Catholics. He only mentioned this in order to show that Roman Catholics were not proscribed by the Government, and that there was every disposition to consider their claims when not actually opposed to the Government in politics. The hon. Gentleman had asked the House to what the agitation in Ireland was to be attributed? He thought that was sufficiently answered by considering, that the labouring class was in a distressed condition; and they were told that a domestic Legislature would be the panacea for all their evils; that poor-rates and taxes would be abolished, and that it would be the revival of their domestic manufactures; let this be considered, and it could be no matter of astonishment, that the poor population on being told such agreeable tidings should go in masses to hear them; but he called on the hon. Gentleman to specify what acts of the Government justified this agitation. The



law appointments which had been so much cavilled at of late had been carried into effect upwards of a year ago, and no demonstration of dissatisfaction with them had then been made; political partisanship had never been considered a ground for excluding from promotion at the bar; and whatever had been the conduct of such partisans in Parliament there never had been any partiality on the bench. He was sure that no man could say, that either of those two gentlemen who had been elevated by the Government, had been swayed by any political bias whatever in their decisions on the bench. He did not question the good temper and moderate tone of Dr. Kinsella's letter, though he differed from the rev. Gentleman as to the question of Repeal, which he considered nothing short of a dismemberment of the empire; but the Repeal agitation at present going on in Ireland was not at all analogous to such expression of opinion as that given by Dr. Kinsella. The manner in which opinion was expressed at the large meetings portended danger; and as the hon. Gentleman who opened the debate had referred to the letter of Dr. Kinsella, he would call the attention of the House to the pastoral address issued by the Roman Catholic bishops of Ireland in 1830, after the passing of the Emancipation Bill:—

“Our gracious and beloved Sovereign, it said, commiserated the state of Ireland, and resolved to confer upon her the inestimable blessing of religious peace. This great boon became the more acceptable to this country, because among the counsellors of his Majesty there appeared conspicuous the most distinguished of Ireland's own sons, a hero and a legislator, a man selected by the Almighty to break the rod which had scourged Europe, a man raised up by Providence to confirm thrones, to re-establish altars, to direct the councils of England at a crisis the most difficult, and to staunch the blood and heal the wounds of the country which gave him birth.

. . . The storm which almost wrecked the country has subsided, whilst social order, with peace and justice in her train, prepares to establish her sway in this long-distracted country. . . . And is not the King, whom by the law of God we are bound to honour, entitled now to all the honour, and all the obedience, and all the gratitude you can bestow? And do not his Ministers merit from you a confidence commensurate with the labours and zeal expended by them on your behalf? Labour, therefore, in all things to promote the end which the Legislature contemplated in passing this bill for your relief, to wit, the pacification and improvement of Ireland. Let religious discord cease, let party feuds and

civil dissensions be no more heard of; let rash, and unjust, and illegal oaths be not even named amongst you; and if sowers of discord or sedition should attempt to trouble your repose, seek for a safeguard against them in the protection afforded by the law. . . . Give way to anger rather than contend with an adversary, so that nothing on your part may be wanting to promote peace and goodwill among all classes and descriptions of the Irish people. . . . We united our efforts with those of the laity in seeking to attain their just rights, . . . a duty imposed on us by a state of things which has passed, but a duty which we have gladly relinquished, in the fervent hope, that by us or by our successors it may not be resumed. . . . Let no wild fanaticism, alike injurious to the Church and to the State, find access to your families, or be blended with the education of your children.”

That was the language of the Roman Catholic bishops in 1830; but he regretted to say, that a different spirit now prevailed amongst the majority of them. He regretted that, instead of affording that religious consolation to their flocks, which they were wont to do, they now employed themselves in furthering designs which he believed could only be accomplished through bloodshed. In four years after the publication of the pastoral letter, another address containing the following resolutions, was published by the archbishops and bishops of Ireland, and was as follows:—

“That our chapels are not to be used in future for the purpose of holding therein any public meeting, except in cases connected with charity or religion; and that we do hereby pledge ourselves to carry this resolution into effect in our respective dioceses.” “That, while we do not intend to interfere with the civil rights of those intrusted to our care, yet, as guardians of religion, justly apprehending that its general interests as well as the honour of the priesthood would be compromised by a deviation from the line of conduct which we marked out for ourselves, and impressed upon the minds of our clergy in our pastoral address of the year 1830, we do hereby pledge ourselves, on our return to our respective dioceses, to remind our clergy of the instructions we then addressed to them, and to recommend to them most earnestly to avoid, in future, any allusions at their altars to political subjects, and carefully to refrain from connecting themselves with political clubs, acting as chairmen or secretaries at political meetings, or moving or seconding resolutions on such occasions, in order that we exhibit ourselves in all things in the character of our sacred calling, as ministers of Christ, and dispensers of the mysteries of God.”

How different was that address in tone and spirit from the language of the Ro-

man Catholic Archbishop of Tuam at a repeal meeting held at Mullingar, where the rev. Gentleman declared that he had reason to believe, and that he knew, all the Roman Catholics of Ireland were in favour of Repeal, at the same time defying the British Ministry to put down the agitation, and adding that if they were prevented from meeting in the open day, and in the open air, all the chapels in his diocese should be used for the purpose, and that all other instruction in them should be suspended for the purpose of forwarding the Repeal cause). He referred to such a document more in sorrow than in anger. The two first addresses were creditable to those who put them forth, as evincing an admirable temper, replete with feelings of Christian charity, and he deeply regretted that any political excitement should lead the bishops of Ireland to depart from such sentiments. The hon. Gentleman had referred to the history of Ireland, and it was to be regretted that such references were frequently made as a means of stirring the passions of the people of that country. He respected the motives and the talents of the hon. Gentleman, and he therefore the more regretted that the hon. Gentleman should have found it necessary to refer to bygone times. History should be read in a more philosophical spirit, and when considered as a study from which to derive lessons for our future guidance as to what should be pursued or what avoided, no study could be more useful for the statesman or politician; but it should never be resorted to for the purpose of re-suscitating jealous feelings or reviving old animosities. When thus used, the introduction of history was indeed to be lamented. It was worse than idle to incite the feelings of Protestants and Roman Catholics by reference to the penal laws and the atrocities of Cromwell, or to recall a period when toleration was not even recognized, and when persons of various sects imagined it to be a duty to evince their zeal for their religion by a persecution of all others. It would now be utterly impossible to revive the spirit of religious persecution or the intolerance which prevailed at former periods. He must be excused for not following the hon. Gentleman opposite through all the calculations into which he had gone with respect to the present and a former state of Ireland, as he had not by him the documents necessary for doing so, but he would at the same time venture to

advert to one or two points connected with the trade of Ireland, to disprove the hon. Gentleman's deductions. The hon. Gentleman stated that Ireland was now in a worse position as regarded her finances than she was at the period of the passing of the Act of Union. The hon. Gentleman should, however remember that by the act of Union, Ireland was enabled to partake of all the advantages which accrued to England from the increased extension of her commerce and her enlarged system of colonization. The noble Lord read the following tables :—

	1838-41. inclusive.	1828-31. inclusive.	1818-21. inclusive.	
Imports (official value) . . .	£. 6,300,277	£. 6,284,017	£. 4,150,157	Exclusive of trade with Gt. Britain.
Exports . . .	1,691,356	2,811,291	2,617,390	
Vessels entered in	Tons. 7,486,524	Tons. 5,607,915	Tons. 3,819,778	From & to all parts.
Vessels cleared out	5,255,898	4,174,896	3,696,852	
New vessels built	Tons. 14,246	Tons. 8,307	Tons. 7,885	
Vessels registered	698,478	409,837	277,153	

Years ending January 5, 1839, 1840, 1841, 1842.

#### TRADE.

	Value of Imports into Ireland calculated at official rates.	Exports.		Total Exports calculated at official rate of value.	Value of produce, &c. of United Kingdom, exported from Ireland, as computed at average current prices, exclusive of trade with Great Britain.
		Produce of United Kingdom.	Foreign and Colonial.		
	£.	£.	£.	£.	£.
1838	1,389,415	351,333	8,658	359,991	420,074
1839	1,657,934	455,604	16,933	472,537	532,071
1840	1,559,553	441,860	8,688	450,548	509,874
1841	1,693,375	399,764	8,516	408,280	416,964
1842	1,615,649	349,089	7,158	356,247	368,372

#### NAVIGATION.

Years.	New Vessels built.	Vessels registered.
	Tonnage.	Tonnage.
1838	2,617	151,528
1839	4,084	169,289
1840	3,115	183,854
1841	4,430	193,807
1842	4,051	201,724
Years.	Vessels entered in from all parts.	Vessels cleared out to all parts.
	Tonnage.	Tonnage.
1838	1,718,543	1,328,423
1839	1,948,186	1,284,613
1840	1,944,285	1,313,916
1841	1,875,511	1,328,946
1842	1,930,236	1,275,046



Years ending January 5, 1829, 1830, 1831, 1832.

## TRADE.

	Value of Imports into Ireland, calculated at official rates.	Exports.		Total Exports, calculated at official rate of value.	Value of Produce, &c. of United Kingdom, exported from Ireland, as computed at average current prices, exclusive of trade with Great Britain.
		Produce of United Kingdom.	Foreign and Colonial.		
	£.	£.	£.	£.	£.
1828	1,632,278	768,304	17,890	786,195	661,377
1829	1,669,668	747,318	15,962	763,280	657,596
1830	1,429,843	648,227	14,651	662,878	560,200
1831	1,552,228	593,809	15,128	608,938	510,952

## NAVIGATION.

Years.	New Vessels built.	Vessels registered.
	Tonnage.	Tonnage.
1828	2,005	99,449
1829	1,313	101,994
1830	2,564	101,820
1831	2,425	106,574
Years.	Vessels entered in from all parts.	Vessels cleared out to all parts.
	Tonnage.	Tonnage.
1828	1,308,573	1,045,677
1829	1,470,977	1,039,461
1830	1,407,983	1,016,213
1831	1,420,382	1,073,545

Years ending January 5, 1819, 1820, 1821, 1822.

## TRADE.

	Value of Imports into Ireland, calculated at official rates.	Exports.		Total Exports, calculated at official rate of value.	Value of Produce, &c. of United Kingdom, exported from Ireland, as computed at average current prices, exclusive of trade with Great Britain.
		Produce of United Kingdom.	Foreign and Colonial.		
	£.	£.	£.	£.	£.
1818	1,033,660	736,325	24,057	760,333	1,423,099
1819	1,093,247	558,261	25,948	581,210	956,069
1820	954,542	577,519	30,886	608,406	855,983
1821	1,068,708	636,852	27,599	664,451	833,543

## NAVIGATION.

Years.	New Vessels built.	Vessels registered.
	Tonnage.	Tonnage.
1818	2,283	68,793
1819	1,606	69,233
1820	1,673	70,092
1821	2,323	69,035
Years.	Vessels entered in from all parts.	Vessels cleared out to all parts.
	Tonnage.	Tonnage.
1818	907,782	893,370
1819	1,023,860	982,474
1820	926,601	902,648
1821	961,535	918,366

It was not to be denied, that during the last year there had been a falling-off when the influence of the general depression was felt by the empire at large, and, of course, it was not to be supposed, that Ireland should escape from its effects, more especially when the agricultural interests were, more than any other, subjected to the depression. The effects of that depression, however, were now beginning to pass away, and it was to be hoped, that society would soon present a new aspect. There was an indication of this in the savings-banks' returns, which were as follows :—

	1832	1836	1842.
Number of Depositors . . . .	43,755	63,183	79,553
Deposited to November 20 . . . .	£. 1,178,201 0	£. 1,759,960	£. 2,297,680 0 0
Average amount invested by each depositor . . . .	26 9	28	28 17 7½
Deposits by charitable institutions . . . .	—	40,682	37,427
Do. by friendly societies . . . .	—	16,622	19,799

Increase in 1842 upon 1832 :—

Deposits (of individuals) . . . . £1,119,479  
Individual depositors . . . . 35,798

Increase in 1842 upon 1836 :—

Deposits by charitable institutions . . . . \*  
Ditto by friendly societies . . . . £3,177

\* Decrease, £3,255.

This showed, that a more provident disposition was exhibiting itself amongst the poorer classes in Ireland, and, that their means were increasing to a considerable extent. The hon. Gentleman entered into a discussion respecting the Irish Reform Bill; but it was to be remembered that that bill had been brought under the consideration of the House by those with whom the noble Lord opposite had acted; and it was to be presumed, that in bringing forward the measure, they had entered into all the necessary calculations. At all events, the noble Lord the Member for North Lancashire had challenged discussion as to the nature of the franchise conferred by that bill, and stated, that, he was prepared to show that it was as favourable to the voters in Ireland, as to those in this country. It was, however, sufficient for him (Lord Eliot) to say, that that act had not been the act of the present Government, but the act of the Government to which the noble Lord opposite had belonged, and which had, of course, availed itself of all

the means to acquire the information upon which the measure should be adjusted. It was urged by the hon. Gentleman, that population ought to be the basis upon which to found the franchise. Now, this had never been admitted as a principle by any Government, although it was always acknowledged to be an element of which they should never lose sight. It had been said, that it was unjust not to give Ireland a greater number of representatives in that House. Why, of the 105 representatives of Ireland, in the House of Commons, not more than from ten to twelve had attended on the opposite side during the Session. [*Cheers.*] He could not understand what that cheer meant. He was not aware of any measure which had been brought into that House relative to Ireland which was calculated to provoke, or had provoked, resistance. It was said, that nothing had been done for Ireland. No less than twenty-three measures had been introduced in the course of last Session, and upon neither of those had there been any division. On the contrary, they had been passed with the unanimous assent of hon. Gentlemen opposite. He did not take any credit to the Government for those measures, but when it was insisted that no measure relative to Ireland had been introduced, he must call the attention of the House to two measures of great importance which had been passed in the course of last Session. The Drainage and Fisheries Acts had been fully discussed; they had now become law, and they promised to prove most beneficial in their results to that country. There was another Irish bill passed, which proved that the attention of the Government was directed to Ireland—he meant the measure assimilating the law respecting the punishment of death to the law as it existed in this country. The measure attracted little or no attention at the time; but it was still one of no small importance as regarded the assimilating of the criminal laws of the two countries, and as serving to show that there was no indisposition on the part of the present Government to obviate every evil which was capable of a practical remedy. Again, when a difficulty arose with respect to Presbyterian marriages, Government did all in its power to settle the question, and though they could not say, whether or not they had succeeded in their endeavour to

do so, they had done enough to evince the disposition. Again, with respect to the Municipal Corporation Bill, it was found so clumsy—he did not mean any imputation upon those by whom it was passed—but it was found so clumsy as to be, in some instances inoperative for its own purposes, that great practical inconveniences arose out of it and in Limerick the old corporation with its old officers was restored. The present Government, however, wishing to give practical effect to what had been the declared intention of the Legislature, brought in a bill to remedy the defect. This was done by the present Government, though they objected to the bill when it was under discussion. The hon. Gentleman found fault even with the Irish Municipal bill, though he must, and all must admit, that it was a measure making a transfer of power to the popular party. He had subjected himself to some obloquy with respect to the Irish Municipal Bill, and he much regretted that there should be occasion for it. He had confidently hoped, that the power proposed to be granted by the bill would not have been used for political purposes. He conceived, that all who were subjected to taxation for local purposes should have some control over the funds to which they contributed, and he regretted, that his prediction that the powers proposed to be given for others would not be diverted to political purposes. He, however, found, that the contrary was the case, and that in some instances whole corporate bodies in Ireland advocated the Repeal of the Union. Though they had thus deviated from this peculiar province, he did not regard the vote which he had given, and, if it were to do again, he would vote so again, even though aware of the facts which had since occurred. He would not blame trial by jury because of the return of an erroneous verdict, nor deny the principle of representation because of an unwise statute. The question of the Irish Poor-law had been touched on, but into that he would not then enter. The appointments under that act by the late Government had been animadverted on, but the defence of those appointments must be undertaken by the noble Lord opposite (Lord J. Russell), and not by him. He would not raise the subject on that occasion, but he would express it as his firm conviction that both the late Government and the House of



Commons in passing that act were influenced by a most sincere desire to alleviate the wants of the Irish people, and that the measure was promoted in the purest spirit of benevolence and humanity. Reference had been made to the Arms Bill; but there had been so many discussions on that measure that he did not wish to occupy the time of the House on the present occasion by adverting to it. He would only state his solemn assurance that nothing would have induced him to propose any restrictions on the rights of the people of Ireland if he had not been satisfied in his own conscience that such a measure was necessary for the protection of the lives and property of the people of that country. The hon. Gentleman proceeded to comment on the conduct of the Government in refusing to advance money for railways in Ireland. It was very well to say that all that was asked for was the credit of the country, and the Irish counties would have guaranteed the repayment of the money; but he would ask any Gentleman who had been in office whether it was not known that nothing was so difficult as to obtain the repayment of such advances? He believed, that a very great number of the railways in England did not pay; and he was given to understand that in Ireland one single railway alone—namely, that to Cork, would have cost to complete it, 5,000,000*l.* [*“No, no!”*] Well, supposing it would have only cost 2,000,000*l.* or 3,000,000*l.*, it would have been totally impossible for the counties, burthened with the county cess, to repay the money; and if this money had been advanced, the Government must either have taken harsh measures to force the counties to repay, or the money must have been lost to the public. He had reason to believe, that some of the lines of railway in Ireland might be executed with British capital, if the present state of excitement did not deter the English capitalists from embarking their money in Ireland; and he knew that several speculations settled and determined on had been put a stop to by the apprehensions arising from what he might call the present outbreak in Ireland. Another matter referred to in the course of the present discussion was the education system in Ireland; and, considering the feeling entertained on that subject by many hon. Gentlemen on that (the Ministerial) side of the House, and by many of the clergy

of the Established Church, the hon. Gentleman made but a bad return for the course pursued by his right hon. Friend, when he taunted him with having acted in a cold manner. There would be no encouragement to make such concessions if they were to be met in such a spirit. Allusions had been made to a point of minor importance—the formation of a law society in Dublin; and the failure of that project had been attributed to the interference of the Lord Chancellor, but it was his impression that that project was defeated by the benchers and Members of the Queen's Inn. He was surprised to hear the hon. Gentleman advert to the Croal contract—the contract for the mails. Now, it happened that Mr. Purcell who had the mail-coach contract in Ireland before, was himself a bidder for the Scotch contract in a previous year; and out of nineteen competitors, he was the lowest but one. Supposing Mr. Purcell had been the successful competitor, would any Scotch gentleman have deemed his country insulted, because an Irish coach contractor had gained the contract for Scotland? It was quite clear, that these contracts must be open to the competition of the whole empire. The hon. Gentleman had furnished the House with a list of Englishmen who, he stated, held office in Ireland. He (Lord Eliot) believed that the present Government had not appointed, with the exception of the Irish Lord Chancellor, any Englishman to office in Ireland; and, therefore, if the reproach of the hon. Gentleman was merited, it should be directed against the noble Lord near him and his colleagues. But, he would ask, was there not a very fair proportion of Irishmen employed in the public departments in this country? The hon. Gentleman had adverted to some declaration made by him (Lord Eliot) on the hustings. He was not disposed to retract a single word of that declaration. The spirit of what he had said was, that the Government of Ireland would act impartially and make no distinction in reference to the religious creed of any individuals; and he believed, that the Government had acted with impartiality. It had been said by an hon. and learned Gentleman on that (the Ministerial) side, that the Government in Ireland had treated the Conservatives with coldness; and therefore he was entitled to say, that charges of such an opposite nature, proceeding from op-

posite parties, only proved, that the Government had endeavoured to steer a middle course, and no case of corruption or partiality had been established against the Government. The hon. Gentleman had called on the Government to say why they did not treat Ireland as they did Canada? Did the hon. Gentleman think, that any analogy could be established between Ireland, which was an integral part of the empire, and a distant country, having a separate legislature and which did not send representatives to the Imperial Parliament? Did the hon. Gentleman mean to assert that it was possible to have one set of Ministers for Ireland and another set for England? So long as there existed an Imperial Legislature, charged with the conduct of the affairs of the empire, the Ministers must be the representatives of the majority of the people of the United Kingdom, and not of the inhabitants of one portion of it merely. The hon. Gentleman had dismissed the subject of fixity of tenure in a few words—almost with contempt. The hon. Gentleman said, he had not heard of any plan on this point which he believed to be practical. It was not easy to understand what was meant by fixity of tenure; but the hon and learned Member for Cork had thus described it:

“No landlord to be able to recover rent unless he made a lease for twenty-one years to the tenant, proof to be given on oath as to what a solvent tenant ought to give as rent for land, the amount to be decided on trial by jury. The tenant to be allowed annually to register the improvements he makes on his holding, and at the expiration of the lease, unless the landlord should have paid the full value of the improvements, it should not be competent to him to eject the tenant, who would be entitled to a new lease.”

Now, it appeared that these questions were to be decided by a jury, but whether the jury was to be composed of the friends and co-tenants of the tenant was a point on which the hon. and learned Member for Cork had not thought proper to give any information. With respect to fixity of tenure, he must state his opinion, that he had seen no plan of that kind which did not strike at the root of property. He fully admitted that property had its duties as well as its rights, but these were moral duties, difficult, if not impossible, to be defined by the Legislature, and the interest of the community at large would be best consulted by religiously respecting

the rights of property. He could conceive no plan which interfered with those rights, which, however it might benefit particular individuals, could not carry with it a much larger amount of evil. The hon. Gentleman had adverted to the tithe commutation, but had altogether undervalued the benefit conferred on the tenantry of Ireland by that measure. Since that act came into operation the tithe war had ceased; and he was satisfied, that, if the rent-charge were abolished, the amount would go into the pockets of the landlords, and the tenants would be no gainers. The House must recollect, too, that the Church of Ireland was the church of the majority of the empire. [*Oh! oh!*] It was the church of the great mass of the proprietors of land in Ireland, from whom the revenues of the church were derived. Mr. O'Connell stated, in 1825, before a committee of the Lords, that the Roman Catholics did not hold one-tenth of the fee-simple of land in Ireland. It was, therefore, clear that nine-tenths of the land belonged to Protestant proprietors; and out of the land the tithe rent-charge was derived. In 1833 Lord Althorp stated the revenues of the Irish church to be as follows.—

	£
Amount of the revenue of Bishops' sees .. ..	130,000
Revenue of Deans and Chapters, exclusive of the livings held by them as prebends .. ..	2,200
Revenue of the other benefices in Ireland .. ..	600,000
	<hr/> 732,200 <hr/>

Say in round numbers 750,000£.

This, by conversion of tithes to rent-charge in 1837, would have been reduced to .. ..	560,000
By the Church Temporalities Act, about 65,000£., the amount of parish cess, was taken away from the income of the church, which, after the substitution of rent-charge for tithe, might be laid at .. ..	495,
The number of the beneficed clergy in Ireland was stated by Lord Althorp to be 1,400. Excluding, therefore, the Bishop's revenues ( <i>i. e.</i> , 60,000£.), the average income of the working clergy was 435,000£.—1,400 .. ..	310

From this, moreover, was to be deducted the salary paid to curates, whose number Mr. Lefroy, in April, 1833, laid at 662.



If then there were to be clergymen at all in Ireland the average income could not be said to be too high. The noble Lord concluded by opposing the appointment of the proposed committee, which at that period of the Session could only be productive of inconvenience. The motion was calculated to convey a censure on the Government, and to produce an impression that the affairs of Ireland had not been conducted on just and impartial principles; and for this reason, also, he opposed the motion; and he trusted that the House, looking to the present circumstances of Ireland, would strengthen the hands of Government by rejecting the motion by a large majority.

Mr. C. Wood felt all the difficulty under which an English Member must labour in the present discussion, from want of accurate acquaintance with the country; but, on the other hand, he thought it would be extremely unfortunate, if the Members for England and for Scotland should appear to take no interest in the affairs of Ireland; and the present state of Ireland was such, that there was not one person in the remotest part of the empire, who might not find the danger brought home to his own door. He had listened, with great disappointment, to the speech of his noble Friend; for after the hon. Member for Limerick had pointed out, with too much truth, that the state of Ireland was fraught with danger, and the grievances under which she laboured, the noble Lord admitted the danger and admitted the grievances, but sat down without suggesting the views of the Government, or stating that they had considered a single remedy for any one of the grievances which the noble Lord admitted to exist. Ireland was to be left in the situation in which it was, when its alarming state was first brought to their notice; and the Government who were responsible for the peace of the empire, did not state how they would deal with the dangers which existed, or whether they would apply any remedy for any of the evils. He was as anxious as any one to avoid personal matters, but the question of persons was one, which in relation to Irish affairs, could not be overlooked. Nobody denied the difficulty of applying legislative remedies to many of the evils which at present existed in Ireland, and, therefore, it was of primary importance that the Government should possess the confidence of the

people of that country. According to the admission of the noble Lord himself, the present state of Ireland was in no small degree to be attributed to the want of confidence in the present Administration. [*Ministerial cheers.*] Did the Gentlemen who cheered mean to deny that? Did they mean to assert that the great majority of the people of Ireland had confidence in their present Government. [*Cheers.*] Those who cheered his remarks in that sense, appeared to him to show the most complete ignorance of what was occurring in that country. He did not stand there to defend all the measures of the late Administration with regard to Ireland; but it could not be denied that under their rule Ireland became quiet, and that they left it so. The present state of Ireland had not existed many years, it had arisen under the present Government. They might say what they pleased of the late Administration, they might say that it placed itself at the feet of Mr. O'Connell, that it truckled to agitation—but they could not deny the fact that Ireland was tranquil, and that she is disturbed. Even if it were as they supposed, but which he denied, the peace of Ireland would have been cheaply purchased; and unless measures were taken to restore peace in Ireland, the present system might be dearly paid for by the people of this country. It might be an answer to him in that House, though it would be so nowhere else, that at some meeting Mr. O'Connell had declared that Lord-Lieutenant Fortescue was as bad as Lord Chancellor Sugden—but could anybody suppose this to be the real expression of the opinion of the people of Ireland. It was impossible to remember all the questions in which the people of Ireland had taken an interest, without knowing that one side of the House had been for them, and the other side against them. Catholic Emancipation was generally opposed by hon. Gentlemen on the other side of the House, and generally supported by those on that (the Opposition) side. The same with the Irish Reform Bill, and the Municipal Reform. Even with respect to the distribution of patronage, it had been by one party bestowed upon those who sympathised with the majority of the people of Ireland, whilst it was admitted in the other case to be given to the minority. It was impossible for any Irishman who had paid any attention to past events in Ireland, to

entertain the same feeling for those who had opposed all their wishes, and for those by whom they had been always supported. The feeling did not arise from any disinclination to a particular individual, because he was not absurd enough to believe that the right hon. Baronet did not desire to pursue a conciliatory course, or that the noble Lord would not endeavour to act up to the declarations he had made on the hustings, and to his conduct in that House, where he had more than once separated himself from his party on Irish affairs: but for centuries Ireland had been governed upon a system, which, however, calculated it might be for former times, was not fit for the present; and the misfortune of the Government was, that they were identified to a considerable extent in the minds of the body of the people with the system under which they had so long suffered. As a modern historian had said, there had been in Ireland two people, one old, the other recent, one Catholic, the other Protestant, and the Protestant minority, by the aid of this country, had ruled the Catholic majority. The settlers in Ireland had frequently been called the Protestant garrison of that country. He must do them justice; they had gallantly performed their duty, but the times for such a course were gone. He did not believe it was the wish to revive them, but even if there were this wish it was impossible. If Ireland now were to be governed at all, she must be governed upon just principles. The difficulty was, to know how the transition was to be accomplished from the former system to one in unison with the opinions and feelings of the present time. It was difficult enough for any Government, and more difficult for the present, from circumstances and conduct of their own, which has connected them with the former system of exclusive domination. The declaration of the right hon. Baronet (Sir James Graham) that "conciliation had been carried to the utmost in Ireland," was entirely in that spirit. "Concession after concession had been made," said the right hon. Baronet, "and there was no gratitude." He (Mr. Wood) very much regretted the use of such language. It was not calculated to allay excitement, or encourage hope amongst the Irish people. In the first place, he protested against the word "concession." If the exclusive possession of power by

the Protestants was their right, then everything they gave up to the other party must be regarded as concession; but if the fact was, that the majority of the people of Ireland had similar rights, which were withheld from them for a time, on account of their allegiance to an expelled race, then when the time came, that there was no longer a necessity for withholding them, it was not concession to give, it was injustice to withhold those rights. Nor, in fact, was there much gratitude due from the people in Ireland, considering the mode in which Catholic Emancipation was carried. It must be recollected, that at the time the right hon. Baronet (Sir R. Peel) declared that his opinions on the question were unchanged, but that he adopted the less of two dangers. If he (Mr. Wood) were asked to point out the main cause of the agitation in Ireland, he said fearlessly that he should attribute it to the manner in which Catholic Emancipation was carried, which taught the people of Ireland, and a large portion of the people of this country, that they might extort from the fears of the Government, that which they could not obtain from their justice. And now it was not so much the justice of what they required—that they had been taught not to regard—which urged the people on; but the Clare election had carried Catholic emancipation without reference to the justice of the question, and now, regardless of the justice of their demand, the people believed that a similar demonstration in favour of Repeal, would be equally attended with success. The right hon. Baronet called on them to declare, that they were prepared to resist the Repeal of the Union. He (Mr. C. Wood) would be willing to answer any call of that kind, and to agree to any declaration that the right hon. Baronet might think it prudent to propose on that subject. He admitted, that many good men had opposed the Union at the time it was passed, and that it had been carried by discreditable means, but he believed that a Repeal of the Union would be the destruction of the prosperity of this empire, and that it ought, by every possible means, to be resisted. But whilst they entertained this determination, he thought there was a great deal of force in such appeals as had been made that night by the hon. Member for Limerick, and on a former occasion by the hon. Member for Kildare,



who called on the Government to give them the means of telling the Repealers, that everything that was possible would be done to remedy the evils of Ireland. He thought the appeal of the hon. Member for Limerick, calmly and temperately made as it had been, was irresistible, and how had it been met by his noble Friend? Why, not by one single sentence. He thought that the Government were bound to state that they were prepared to bring forward some measures to remedy the evils that existed in Ireland. The noble Secretary for Ireland had enumerated various minor measures passed by the Government, and said that their conduct had given no cause for the violent spirit of opposition; but they were, in truth, suffering the natural retribution for their former conduct in respect to Irish matters. The noble Lord had referred to the electoral franchise in Ireland, and the noble Lord, the Secretary for the Colonies, had told them, on a former night, that in the Registration Bill which he had introduced, three years ago, he had no intention of restricting the franchise. He (Mr. Wood) implicitly believed the noble Lord; he had voted with him at the time, believing that he was only anxious to apply a remedy to an admitted evil with which the late Government had declined to deal. But the noble Lord has truly said that his bill had been perverted into an instrument of party spirit. No doubt it was; and it was on that account that he (Mr. Wood) at the time, had proposed a course, the wisdom of which the Government would not now deny, for they had pursued it both in the last and present Session, of giving precedence to the English Registration Bill. The noble Lord then opposed it; his Friends, the hon. Gentlemen opposite, careless of the evil and its remedy, sought only a party triumph, and forgot that in doing so, they were trifling with the feelings of the Irish people. But the Secretary for the Home Department now admitted that the noble Lord's bill would have reduced the numbers of the Irish constituencies, already far too restricted. He was astonished to hear the noble Lord assert again, that the franchise in Ireland was on a popular and liberal basis. It might be so in words, but how was it in fact? The whole number of registered county electors in Ireland was about 63,000, whilst in the West Riding of Yorkshire there were more than

33,000 registered electors, being more than half of the entire number of electors registered in all Ireland. Should he be again told, then, that the Irish franchise was liberal and popular? It was a mockery to say so. Now, that was a grievance which the Government might remedy, and in remedying it, they would show, that they had the interest of Ireland at heart. The municipal franchise was not extended there as it was in England, upon the single ground that it would admit Roman Catholics. Was not this similar to a revival of the old penal laws against the Catholics? Did it not exclude persons from the possession of the franchise, which they would otherwise possess, merely on account of their religion? These evils were undisputed; the remedies were clear, and ought to be applied; but there were others of greater magnitude with which it was infinitely more difficult to deal. Amongst the first was the state of the Church. They had been told, that the maintenance of the Protestant Establishment in its undiminished proportions was essential to the union of the two kingdoms. The right hon. Gentleman opposite (Mr. Shaw) had declared that the Protestants only sought to maintain the Union to preserve the Church, and that if the Church were gone, the Union would no longer be of any value. They had also been told that the Roman Catholics would not be satisfied unless they obtained the supremacy of their own Church. He did not advocate Roman Catholic supremacy, but if he placed himself in the situation of the Roman Catholics of Ireland, he should find little difficulty in coming to conclusions similar to those which the people of that country had arrived at. The Roman Catholics of that country might look through all the countries of Europe, but they would find that in none of them was such an Establishment maintained for the benefit of a small minority of the population. So strongly had this been felt that various attempts had been made, at least to palliate the anomaly. Mr. Pitt proposed to pay the Roman Catholic clergy; but the project failed. Another attempt, with the same object, was made in 1825, which also failed. He believed the time for any such purpose was now gone by. In 1835, an attempt was made to appropriate a portion of the revenues of the Church to purposes of religious education,

that the whole population might benefit, but that was rejected. The only practical result had been, that whilst the Church had been deprived of one-fourth of her revenues, the produce had been put into the pockets of parties who had no claim at all to it, that is, the Protestant landlords. He did not think that the statement of the noble Lord (Lord Eliot), that the tithes were paid by the Protestant landlords, was an answer to the objections against that Establishment. The Establishment was for the living people, and not for the land. He had always been a friend to the Established Church; but he trembled for the permanent prosperity or existence of a Church like that in Ireland, which was built upon a foundation of sand, in which the great majority of the people had no interest. He would not presume even to give an opinion on some suggestions which had been made on this subject. It was not for hon. Members on that (the Opposition) side of the House to propose a remedy. It was the duty of the Government, as the responsible parties, to originate a remedy for the evils which had been complained of. The question of fixity of tenure had been referred to. It certainly was a substantial grievance, that 200 or 300 persons might be turned out to starve at the will of a particular landed proprietor. Such a system was well calculated to produce a revolution in any country, and if the ejectment had not been effected by piecemeal in Ireland, such consequences must have ensued. He thought that a measure might be proposed which would have the effect of putting a stop to that indiscriminate dismissal of tenantry which was at present unfortunately practised in Ireland. The misery produced by this grievance, and the existence of the grievance itself, he believed, afforded plain evidence of another evil in the social condition of Ireland; it proved the fact that the ejected tenants clung to the land not so much from any feelings of profit by their holding, as from the necessity which compelled them to depend upon it for their very existence. He believed it to be of the greatest importance to improve the material, and with it the social condition of the people of Ireland. With that view the late Government proposed a scheme of railroads throughout the country, which had been rejected by the opposite side of the House. One great object, of course, was to find employment for the

masses of unemployed people. The noble Lord had referred with praise to the celebrated declaration of the late Irish Government, that "property had its duties as well as its rights;" but he remembered with what indignation that declaration had been received, as a violation of the inherent claims of proprietors. He would not weary the House at that late hour, but he thought measures had been in progress, which were interrupted by the present state of that country, for creating in Ireland those classes, by which in England the country was almost self-governed,—magistrates in whom the people had confidence;—landlords and tenants sympathising with each other; and persons of those independent classes who formed the local machinery of government in this country. Measures of this description he considered absolutely necessary, even if they could not grapple with the greater evils. He repeated, therefore, that he hoped her Majesty's Government would make some declaration of measures which they had in contemplation. [An hon. Member: Suggest some.] No, it was not for him to point out the course they should pursue, the responsibility rested not with him, but with the advisers of the Crown. The right hon. Secretary for the Home Department had laid down the sound principle, that it was for Ministers, and not for Members on the Opposition, to propose measures. The Government admitted the evil, and they were bound to find a remedy for it. They were not to come down to that House with the Arms Bill alone. It might be necessary if there was an outbreak in Ireland to repress it by some coercive measures stronger even than an Arms Bill, but he was a bad physician who would treat outward symptoms without considering the inward disease, and if we were to be left with Ireland a source of weakness by our side, he knew not whether the state of things would be much worse in the event of that absolute dismemberment which they all deprecated. He could not see how they could separate without hearing the Government make some statement. He knew the strength of that Government—he knew how powerfully they were supported—and he did hope, that relying upon that support, they would abandon their present policy, and adopt such measures as would conciliate to them those great masses of the Roman Catholic population of Ireland who were



now led by their prelates, formerly men of peace, and whose affection and attachment it ought to be the duty of the Government to secure.

Debate adjourned.

House adjourned at one o'clock.

## HOUSE OF COMMONS,

Wednesday, July 5, 1843.

MINUTES.] BILLS. *Public.* — *Committed.* — Bridges (Ireland).

*Private.*—1°. Earl of Gainsborough's Estate.

2°. Dowager Countess of Waldegrave's Estate.

*Reported.*—Townshend Peerage; Londonderry Bridge.

3°. and passed:—Todhunter's Divorce Bill.

PETITIONS PRESENTED. By Lord Sandon, from Liverpool, and Sheffield, for a Duty on Wood cut by Saw Mills. — From several places, against, and from two places, in favour, of the Factories Bill. — From the Parish Clerks of Manchester, for Compensation under the Church Endowment Act. — From the Swip-owners of Cornwall, for a Lighthouse on Towan Head. — From Bedminster, against the Turnpike Roads Bill. — From Barnstable, Cullompton, and Bideford, in favour of the County Courts Bill. — From Bristol, for preventing Frauds upon Creditors by Secret warrants of Attorney. — From Liverpool, and Manchester, against the Liverpool Fire Prevention Bill. — From Dublin, against the Pawn-brokers (Ireland) Bill. — From Ayr, for carrying out Rowland Hill's plan of Post-office Reform. — From Newry, against the Irish Poor-law. — From Greenock, for altering the Law relating to the Merchant Seamen's Fund. — From Middlesex, against the Coroners Bill. — From Robert Roxby against Players of Interludes Bill.

SHOA — ABYSSINIA.] Dr. Bowring wished to know whether the Government had received any information respecting the failure or the success of the mission to Shoa; and if the Government, supposing the mission to be terminated, had any objection to lay the despatches before the House?

Sir R. Peel said, that a letter had been received from the Bombay government, which stated that Captain Harris had forwarded to the Bombay government the original treaty between the King of Shoa and this country. This was the whole of the information which had been received, and he (Sir Robert Peel) inferred from this letter that the treaty had been completed so far as the King of Shoa was concerned. Captain Harris was at present on his way to England, and when he arrived the treaty would be laid on the Table.

CHARITABLE TRUSTS BILL.] On the Order of the Day being read for the second reading of the Charitable Trusts Bill,

Sir G. Grey said that, before he withdrew his bill for the present Session, he wished to know whether the bill of the

right hon. Baronet the Secretary of State for the Home Department was now in a sufficiently advanced state as to enable the right hon. Gentleman to state when the bill would be laid before the House?

Sir J. Graham said his bill would be before the House in a few days.

The Order for the second reading of the bill discharged.

BREACH OF PRIVILEGE.] Mr. T. Duncombe rose to call the attention of the House to what he conceived to be a gross breach of its privileges. It was with great reluctance that he did so; and more particularly when that breach of privilege was one in which he was personally concerned. The publication of which he complained, would be found in the *Standard* newspaper of last Saturday. He had only seen the paragraph—not being in the habit of reading the *Standard*—in the more respectable paper, the *Sun* of yesterday, where he saw the article copied as an extract from the daily evening papers. The paragraph related to what occurred in that House on the subject of the Nottingham election. He would appeal to the recollection of hon. Members who heard that debate, whether there was any thing said by him which could at all justify a public writer, in declaring that either he or his hon. Friend, the Member for Nottingham (Mr. Gisborne) was a confessed corrupter and suborner of perjury and of fraud. Certainly, if either he or the hon. Member for Nottingham had been guilty of anything like the offence that was imputed to them by the *Standard*, it would be unquestionably the duty of the House to expel Members having been so guilty. If it were by a technicality considered a breach of the privileges of the House to publish even a faithful report of its proceedings, how much greater must that breach of privilege be, when the public press thought proper totally and entirely to misrepresent the proceedings of the House—wilfully and maliciously to misrepresent them, as had been done in this case? The paragraph of which he complained ran thus:

“The confessions made last night by Messrs. Gisborne and Duncombe are a disgrace to the country. These men talk in Parliament of having hired others to the potential sin, at least, of perjury, doubtless frequently to the actual commission of that horrible crime, with as much levity as if they were mentioning their most indifferent or even laudable actions,

If the House of Commons is not altogether constituted of corruptors (and well we know that not a title of its seats are obtained by bribery), surely such men as Messrs. Gisborne and Duncombe, confessed corruptors, confessed suborners of fraud and perjury, are unfit to sit in that assembly. As they cannot be expected to imitate that conscientious Pope who sentenced himself to be burnt for his sins, the House ought to take some order to get rid of them. They have confessed their heavy guilt, so that no precedent of inconvenient inquiry would be created by expelling them—and expelled they ought to be. Expelled or molested, however, they will not be, and we doubt not that most of those who have read so far have arched their brows at the weakness or ignorance of those who could believe in the possibility of punishing Messrs. Gisborne and Duncombe for only luring some thousands of poor and ignorant creatures into the path of perdition. It is not for such things men are punished by Parliament in our enlightened days. Happily there is a more just tribunal from which the kidnappers of men's souls and consciences cannot withdraw themselves, and to that tribunal, the tribunal of public opinion, we denounce the Gisbornes and the Duncombes on their own confessions."

Now, he would ask any gentleman who was present the other evening, whether there was anything in the speech which he made that could at all justify any one in saying that he had either confessed to corruption, or to the being a suborner of perjury and fraud? Whether he had said anything that could justify any one calling him a "kidnapper of men's souls," or a lurer of "poor ignorant creatures into the path of perdition." All he did on that occasion, having heard the speech of the right hon. Baronet the Member for Tamworth, was to say that he thought the speech of the right hon. Gentleman was so just and reasonable, and that the argument he had put forth against granting the committee asked for was so forcible, that he having formerly presented a petition connected with the Nottingham election, felt it his duty to support the view taken by the right hon. Baronet, and tried to persuade the House not to grant the inquiry, contrary, he believed, much to the wish of his hon. Friend the Member for Nottingham. His speech accused no one of bribery—confessed to no subornation of perjury on his own part, nor was he aware that his hon. Friend the Member for Nottingham had done anything of the sort. Had he confessed to the heavy crime of bribery, and subornation of perjury of which the

paragraph accused him—it would have been the duty of the House to have expelled him, for he would have been guilty of an offence that would have subjected him to transportation. There had been many cases of these breaches of privilege, and the attention of the House had been called to them on numerous occasions; but on looking back upon all of them, he never remembered such strong language as that used by the *Standard* newspaper. Any libel so atrocious, so false, so utterly without foundation or pretence, he would venture to say, could not be found in the annals of Parliament. The only case which came near it, was one which took place in 1819. The hon. Member quoted the case as detailed in "*Hansard*," vol. 40, pp. 1137, 1163, 1195. If a case of that sort was considered worthy of being taken notice of, the present was certainly one that ought not to be passed by without censure. It was not only due to himself, but to the constituency he represented, and to the House itself, to call attention to the subject of the paragraph in which the House was itself implicated. But if they had among them any member guilty of such things as were thus imputed to him, they ought not to retain him among them a single hour. Having stated the circumstances of this case, he should leave it to the House to deal with it as the House thought fit. He hoped that those hon. Gentlemen who heard him on the former occasion, would say, that the allegation of this paragraph was a gross falsehood, and libel, and would testify that he had not made any confession whatever of having been guilty of subornation of perjury.

The *Standard* of Saturday was put in, and the article complained of was read by the clerk.

Mr. T. Duncombe then moved, that Mr. Charles Baldwin, printer of the *Standard* newspaper, be called to the Bar of the House on Friday next.

Mr. Gisborne said, that all he sought on the present occasion was an opportunity of denying in his place in that House that he had, in the words of this paragraph, confessed being "a suborner of perjury," or that he had been guilty of corruption. With respect to his hon. Friend, it appeared to him (Mr. Gisborne) that the statement of the *Standard* newspaper was a pure invention. He recollected nothing in the speech of his hon. Friend that could lay a foundation for any



such statement as that made by the *Standard*. Then, with respect to himself, all that was stated was a gross misrepresentation. He said, that after the Reform Bill, he thought that the justification for either selling or buying a seat had ceased, and that since that time he had never, at any of the numerous elections at which he had been a candidate participated in, or been cognizant of any corruption whatever. That statement he now distinctly repeated. As he had said before, he was only anxious to deny, in his place in the House of Commons, that he did confess that he had been guilty of corruption, or that he had been a suborner of fraud and perjury. He had no desire whatever to withdraw himself from the censure of public opinion. He did not in the least object to this writer stating, if he thought proper, that he (Mr. Gisborne) ought to be expelled from that House; that was a matter of opinion; but he did object to his representing him as a person who had confessed very great crimes, and that he ought therefore to be expelled from his seat as a Member of that House. He was willing to leave the matter in the hands of the House to deal with it as they thought proper.

Sir R. Peel remarked, that it was rather unfortunate to be called upon to come to an immediate decision, without having had any opportunity of referring to precedents. The breach of privilege complained of was contained in reflections by the editor of an article in a newspaper—severe comments on what had passed in the House, and an assertion that an hon. Member had made a declaration in his place which in fact he did not make. As to severity of comment in newspapers, if the House once began to punish upon that ground, he did not see where it could leave off. If calumnious charges in newspapers, with reference to speeches in debate, were to be thus noticed, the House would find abundant opportunities of vindicating its privileges by the exercise of its power. He had listened to the speech of the hon. Member for Finsbury at the time, but he had not since had the means of referring to any report of it, and the *animus* of the article in question might, in some degree, depend upon a correspondence between the report of the speech and the comments upon it. If there were no report at all warranting such comments, that fact would be an important

element in the question, and he (Sir R. Peel) could say, that he had not the slightest recollection that the hon. Member for Finsbury had said anything to warrant the expressions of the newspaper respecting subornation of perjury. The hon. Member was certainly at liberty to compel the printer and publisher to attend if he thought fit, although this was not, perhaps, so direct a breach of privilege as some others; but, so far as his memory served, he could say that he did not hear either of the hon. Members state anything that could be construed into a confession that they had been parties to subornation of perjury in any matter connected with the Nottingham election. [Mr. Gisborne: Nor with any other election.] He (Sir R. Peel) had thought, that the paragraph referred only to the Nottingham election; but it was highly improbable that any confession or admission could have been made without exciting comment at the time. So far as his memory served, he repeated that he recollected no expression of the kind. Whether the writer of the article had confounded the ample and candid confession which the hon. Member for Finsbury certainly had made in a previous debate—not indeed as to perjury, but other irregularities connected with an election—he could not take upon himself to say. He recollected to have heard a very ample confession formerly from the hon. Member, and the writer of the article might possibly have confounded the two occasions. As the hon. Member had referred to him on the point, he was bound to say, that he had heard nothing in the nature of a confession of subornation of perjury during the late debate, nor had the hon. Member made any declaration inconsistent with his position in society, or with his character as a Member of Parliament. Whether, under the circumstances, the hon. Gentleman would think it necessary to carry this proceeding further, must be left to his own discretion. He (Sir R. Peel) had had a very brief opportunity for referring to precedents, but it seemed to him, that if the hon. Member persisted in his motion for the attendance of the printer of the *Standard*, it would be in conformity with them.

Mr. Aglionby was sorry not to have been able to listen to the speech of the right hon. Baronet with that respect to which his speeches were usually entitled.

It was not fair to say, that it was at the choice of the Member whether to proceed, for, in his opinion, this was not a case affecting only an individual Member. When a grave matter of this sort was brought under the notice of the House, it was of much more importance to the House and to the public than the case of any individual Member. What was he to understand from what the right hon. Baronet had left so vague and indeterminate? The article in question was a most atrocious libel: it was a gross breach of privilege; and he submitted to the Speaker, that whether it were in the shape of an assertion in a leading article, or whether it came from the pen of one of those who, from his notes taken in the gallery, sent it to the paper, made no difference: it was equally a breach of privilege. The House was more concerned in the question than the Member; the public more deeply interested than the House; and that great vehicle of public opinion, the press, even more deeply interested than all, when an atrocious calumny was made upon an individual Member. Those who were Members of the House, and those who attended in the gallery, must know that the reports were not always accurate. It was monstrous, however, for the writer of a leading article so to misrepresent what the reporter had given correctly; and on the part of the House he claimed that the matter should be pursued farther, in order to ascertain how the libel found its way into the paper. Was it to be tolerated that a Member, in the fearless discharge of his duty, who had secured the respect and attachment of the public—who had never flinched from his duty on any the most trying occasion, was to sit down under an atrocious libel, and that the case was to be swamped, smothered, and passed over, merely because it was conjectured that some impossible confusion had arisen in the mind of the writer. He trusted, that the time was not yet come when, even for the sake of the honest newspaper press, such an excuse was to be accepted. Ever since he had come into public life, he had looked upon the honest newspaper press as the best vehicle and guide of public opinion; but if a malicious and unfounded libel like the present were to be disregarded, the power and influence of the press would be lessened, and in time lost. Therefore he did not put it as the case of an individual Member; he put it

to the House as a public question, whether it ought to stop here, and on the part of the public he called upon the House to adopt such a course as was necessary for the vindication of its own rights and privileges.

Lord J. Russell could not take precisely the same view of the case as his hon. Friend who had just spoken. It seemed to him, that the right hon. Baronet distinctly stated that he had heard nothing which would entitle any man to say, that either of the hon. Members had confessed themselves guilty of subornation of perjury. It appeared to him, as far as he had heard it, that the libel was false and malignant, and, that what had fallen from the right hon. Baronet was in accordance with the general feeling of the House upon that point. The question of calling the printer to the Bar was, however, a different matter. He owned, that he always felt regret when questions of this kind were brought forward for any other purpose than refutation, and for the sake of pointing out the falsehood of the statement; and if on the present occasion any body had said, that his hon. Friend the Member for Finsbury had said anything to warrant the article in the *Standard*, it might have been necessary for the vindication of his character to proceed further, whether by calling the printer to the Bar, or by moving that the article was a false, scandalous and malicious libel. But, as that was not the case—as it was the general feeling of the House, that no portion of the libel was justified by the truth, he did not see that his hon. Friend's character stood in need of the vindication he asked. He should, therefore, much regret if the House were now called upon to go farther. He quite approved of the mode in which his hon. Friend had brought the matter before the House for his vindication, that vindication might now be said to be complete, since the publication had been admitted to be a wanton and malignant libel. If the case proceeded, the offending party must be brought to the Bar—the House must exercise its authority, and punishment must be awarded and carried into effect. Seeing that these evils must follow from such a course, he (Lord John Russell) should be gratified if his hon. Friend consented to proceed no further.

Mr. T. Duncombe said, that it appeared to him that he was not fairly treated by the right hon. Baronet when he threw



upon him all the odium of calling the individual to the Bar. He had thought it his duty to call the attention of the House to the subject, more for the sake of the House itself, than to gratify any vindictive feeling by which he might be supposed to be actuated. He had no knowledge of the writer, and had never seen him, that he was aware of; but what had fallen from the right hon. Baronet almost compelled him to persevere in his motion. The speech of the right hon. Baronet was, in point of fact, a justification of the libel. In that light it had been received by many near him, and so it would be read by the public to-morrow. He was surprised that the right hon. Baronet should attempt to justify the libel, even though the *Standard* was the organ of the powerful party of which the right hon. Baronet was the head; he might say, that it was almost the only remaining organ of that party, and it would, therefore, be very ungrateful if the right hon. Baronet had not stood up for it on the present occasion. It was, therefore, natural for him to say, that this innocent editor had never libelled anybody, but had merely confused what had been said on a former occasion. According to the right hon. Baronet, the editor of the *Standard* had confounded a former confession supposed to have been made by him (Mr. T. Duncombe), and the case referred to, was, that of Hertford. He was glad that the right hon. Baronet had given him an opportunity of explaining what he did say on the occasion alluded to. It was on the motion of the hon. Member for Bath, for a committee on compromises, and what had he (Mr. T. Duncombe) then stated? That those who were to be on the committee ought to go into the inquiry with clean hands, and that no Member who had been directly or indirectly concerned in bribery, corruption or intimidation ought to sit upon it. He added then, as he added now, that certainly he must be excluded, because he could not conscientiously say, that he had not directly or indirectly been concerned in bribery. Before the Reform Act, he had left between 30,000*l.* and 40,000*l.* behind him at Hertford. A considerable portion of this money had been expended in protecting poor voters who had been ejected from their tenancies by the Marquess of Salisbury, the present Lord-Lieutenant of Middlesex. He (Mr. T. Duncombe) had built

sixty or seventy houses for parties so ejected, who had thought fit to show themselves independent electors, and the cost of these was, he believed, between 12,000*l.* and 13,000*l.* He had stood five contested elections there, and spent between 30,000*l.* and 40,000*l.*, besides what was necessary for election petitions. He had said also, that beyond the legal expenses, the surplus of 30,000*l.* or 40,000*l.* must have been laid out in Hertford for purposes which were not legal—no doubt in treating: but he had never said—he had never confessed then, nor did he now, that he had been otherwise a party to it; and he could assert most conscientiously, that he could not name, nor put his finger upon one individual who had been bribed with part of the money; all he knew was that he had to pay it. The same thing had happened to others. No man had a right to state that he (Mr. T. Duncombe) had been guilty of personal bribery, much less that he had been guilty of subornation of perjury, which the organ of the Tory party had imputed to him, and which the right hon. Baronet had said arose from some confusion. How could this be? The paper specified the time—it says that the confession was made last night; how, then, could there be any confusion? What had passed at Hertford? At the election after the passing of the Reform Act there had been no expenditure of money on his part beyond what was necessary for the legal charges, while on the other side it was admitted that there had been a large outlay; some 13,000*l.* or 14,000*l.* had been expended by Lord Salisbury for the purpose of defeating him, and his Lordship succeeded. On petition, however, he had unseated the two Members, Lord Mahon and Lord Ingestre, and a bill had been introduced to disfranchise the borough. The House of Lords, however, threw it out, and the writ was suspended for three or four years. He had lost Hertford because he did not bribe, and the sitting Members subsequently lost their seats because they did bribe. He had afterwards been rewarded by the honour of being returned for the borough of Finsbury; the Marquess of Salisbury, his antagonist, who admitted that he had spent so much money to defeat him, had been rewarded too—he had received the Garter, and the county of Middlesex had the happiness to call him Lord-lieutenant. He (Mr. T.

Duncombe) was Member for Finsbury, and the Marquess of Salisbury Lord-lieutenant of Middlesex, with the garter round his knee. That was the whole history; and did it for a moment justify the libel in the *Standard*, even if the confusion speculated upon by the right hon. Baronet had really occurred? If he had confounded the cases, let the editor state it at the bar—let the House hear him; he (Mr. T. Duncombe) had no vindictive feelings to gratify, and if the writer could in any way explain the libel he should be perfectly satisfied. That it could not be explained he was quite sure, and it would turn out to be what he had charged it, a false atrocious and malignant calumny. He did not bring the case forward merely as an humble individual, but as a Member of the House, and for the sake of the honour and dignity of the House, it was not fit to allow the offender to escape unpunished, merely because the right hon. Baronet had supposed him guilty of a confusion that could never have arisen in his mind.

Sir R. Peel was exceedingly sorry that the hon. Member should have imagined that he meant in any way to justify the imputations upon him in the paragraph in question; he lamented also that the line of politics taken by the paper should have induced the hon. Member to think that he (Sir R. Peel) was on that account disposed to treat the matter lightly. The course he advised was, that which, he assured the hon. Member he would himself have taken. If he were disposed to take steps against those who cast calumnious imputations upon him, not a day would pass without some matter of the kind for the consideration of the House. At the same time, he admitted that the motion of the hon. Member was consistent with order and precedent, and if the hon. Member felt that his character was concerned in pressing for the appearance of the party at the bar, the hon. Member was certainly entitled to that remedy. He had thought that the object of the hon. Member was to elicit testimony from those who had heard the debate that nothing had fallen from him warranting the imputation that he had confessed himself guilty of subornation of perjury. He (Sir R. Peel) had been present, and had listened to the speeches of the hon. Member for Finsbury and of the hon. Member on his right hand, but he had not heard a single

word to countenance the charge of subornation of perjury. What more ample or complete vindication could be desired? This he had said before, and he had also said, that it was a material circumstance in ascertaining the *animus* of the libeller, to ascertain what was the report of the hon. Member's speech given in the same paper; the *animus* must partly depend upon the nature of the report, which might or might not have misled the party. When he spoke of confusion, he did not refer to the case of Hertford, but to a vague recollection of what the hon. Member had said regarding Pontefract, and he had since found it reported that he had told the House "that he had spent 4,000*l.* at Pontefract, and he had no hesitation in adding that he had spent it in gross bribery." So far from vindicating the charge of subornation of perjury, either at Nottingham or elsewhere, he would again repeat, that not a word had fallen from the hon. Member that could in the remotest manner justify the libel. Had the case been his own, he should think that any farther proceeding would not be requisite to vindicate his character. If, however, the hon. Member was of a different opinion, he was perfectly at liberty to take the course he proposed. He (Sir R. Peel) claimed no indulgence for the paper, on account of any line in politics it took, and was only giving advice he should himself be most ready to take. In a case of this kind, the really responsible person was the individual who had endited, not the party who had printed, the paragraph, and if the hon. Member felt disposed to press that the printer be called to the bar, he was entitled to do so, but he (Sir R. Peel) doubted whether anything would be gained by it. It seemed to him that the hon. Member's character was sufficiently vindicated, and that it was not necessary to call upon the House to interfere.

Mr. T. Duncombe considered the explanation of the right hon. Baronet satisfactory, and as the noble Member for London concurred in the opinion, that no farther proceeding should be taken, he threw upon them the responsibility. The right hon. Baronet had now explicitly stated, that there was no justification for the libel in any thing that had been said on a former night, and upon that statement he was willing to withdraw his motion.

Motion withdrawn.



CORONERS.] On the question that the Coroners' Bill be re-committed.

Mr. *Pakington* moved, that it be re-committed that day six months.

Sir *J. Graham* was bound to state, that he should vote in favour of this bill going into committee. He attached great importance to the last clause of this bill, and thought that the objections to it could only be properly discussed in committee.

The House divided on the question, that the word "now" stand part of the question. Ayes 134; Noes 41; Majority 33.

The House in committee.

On Clause 2,

Coroner to receive 25s. for each inquest, and 1s. 6d. per mile for travelling expenses.

Mr. *Barneby* objected to any alteration in the remuneration of coroners, and moved an amendment embodying his objection.

Mr. *Hume* seconded the amendment. It appeared that the increase of fees was only contemplated in consequence of the representations of the coroners themselves; but believing the amount already paid to be fully adequate, he thought that the House ought not to add to the burden on the various counties on such representations.

Mr. *Wakley* thought, that if this amendment was agreed to, it would introduce economy without reason. He did not believe, that there was any class of officers so badly paid as coroners, and this was well known to all who were acquainted with their duties. The existing fees were fixed ninety years ago, and propositions for increasing them had passed this House no fewer than six times, but had been subsequently lost. In order to perform the duties of his office, he was compelled to keep four horses, and two carriages, the amount of mileage which he received was less than 100l. per annum. He maintained, that the existing remuneration to coroners, considering their painful and arduous duties, was inadequate, and that they were entitled to receive an adequate amount of remuneration.

The committee divided on the question, that the word fees stand part of the clause. Ayes 41; Noes 34;—Majority 7.

The committee again divided on the question, that the words twenty-five, to give the coroner a fee of 25s. stand part of the clause. Ayes 34; Noes 32;—Majority 2.

The committee divided on the question,

that the word "sixpence" stand part of the clause, in order to give the coroners 1s. 6d. per mile. Ayes 40; Noes 28;—Majority 12.

Clause to stand part of the bill.

On clause 3, coroners to be paid for attendance at assizes, and for adjourned sittings.

Mr. *Barneby* proposed to omit the words which gave payment to coroners, when attending courts of justice in the ordinary routine of their business.

Mr. *Wakley* thought that coroners were unnecessarily and improperly called upon to attend at Quarter Sessions and Assizes. If they had properly conducted an inquest, their documents ought to speak for themselves.

The committee divided on the question, that the words proposed to be left out stand part of the question. Ayes 33; Noes 42;—Majority 9.

Clause rejected.

On the 4th clause, qualification of deputy coroner,

Mr. *Hume* proposed, that in case of a deputy acting, he should receive three-fourths of the fees and allowances to which the coroner would be entitled, in case the coroner himself had attended.

The committee divided on the question, that the proposed words be inserted. Ayes 51; Noes 63;—Majority 12.

Mr. *Roebuck* moved that the Chairman report progress.

The committee divided. Ayes 61; Noes 103; Majority 42.

After some further conversation,

House resumed, committee to sit again.

COMMONS INCLOSURE (No. 2) BILL.] Order for committing this Bill read.

Lord *Worsley* moved that the order be discharged with a view of referring the bill to a select committee.

Mr. *Brotherton* moved that the House do now adjourn.

The House divided on the question of adjournment. Ayes 12; Noes 37;—Majority 28.

Order discharged.

On the question, that the bill be referred to a select committee.

Mr. *H. Berkeley* moved that the House do adjourn.

The House again divided. Ayes 11; Noes 35;—Majority 24.

Question that the bill be referred to a select committee again put.

Mr. *Craven Berkeley* moved that the debate be now adjourned.

Lord *Worsley* said, that as it seemed to be the wish of the House, he would not object further to the adjournment of the debate.

Debate adjourned till Monday.

House adjourned at a quarter to two.

[We publish none of the lists of these numerous divisions, conceiving that the public interest attached to them is of comparatively limited scope.]

## HOUSE OF LORDS,

Friday, July 7, 1843.

MINUTES.] *BILLS.* Public.—2<sup>a</sup>. Slave Trade Suppression (No. 2).

*Reported.*—Limitation of Actions (Ireland).

3<sup>a</sup>. and passed:—Canada Corn; Apprehension of Offenders (America); Apprehension of Offenders (France).

*Private.*—1<sup>a</sup>. Earl of Shrewsbury's Estate; Argyllshire Roads.

2<sup>a</sup>. Lough Foyle Drainage; Monkland and Kirkintilloch Railway; Gilbert's Estate.

*Reported.*—Oxnam's Estate (No. 2); Liverpool Watering; Inchbelly (Glasgow) Roads; Sutherland Roads; Bolton Waterworks.

3<sup>a</sup>. and passed:—Milnes's Free School; Maryport and Carlisle Railway; Eglwys-rhos Inclosure; Salmon Fisheries.

PETITIONS PRESENTED. By the Bishop of Salisbury, from several places, against the Union of the Sees of St. Asaph and Bangor.—By the Archbishop of Dublin, from New Zealand, against sending Convicts to that Colony.—From several individuals, against the Charitable Pawn Offices Bill.—From Sarum for the Establishment of a Bishopric at Manchester.

INCREASE OF BISHOPS.] The Bishop of *Salisbury*, after presenting petitions against the proposed union of the sees of St. Asaph and Bangor, wished to call the attention of their Lordships to the subject with the view of projecting some mode of providing for a bishopric of Manchester without doing away with one of those Welsh sees. It was utterly unnecessary to go into statistical details for the purpose of proving the pressing necessity for the new bishopric. It could not be unknown, that although at the primary institution of dioceses and parishes their size was proportioned to the extent of the population, the stream had since then so altered that districts once scantily inhabited had now become the seats of densely-crowded populations. The increase of population in two counties of the diocese of Chester had been as follows:—

	1801.	1841.
Chester.....	191,000	395,600
Lancaster....	672,700	1,667,800

So that there had been an increase of

upwards of 1,100,000 in forty years, and of more than 300,000 since the inquiry of the ecclesiastical commission; and it could hardly be questioned that about the time when the proposed measure could take effect the population of the diocese of Chester would be upwards of 3,000,000, and of the proposed diocese of Manchester 2,117,000. It would be, in his opinion, however, most unwise to attempt to stave off this evil at the expense of North Wales, inflicting a severe injury on one portion of the Church without any efficient remedy for the evil in another. Surely those who took any enlarged view upon the subject must, when they recollected that at the time of the Reformation there were only 5,000 000 of inhabitants in this country, and that now there were 16,000,000, see the necessity for introducing some new principle, some expansive power into the Church, to enable it to accommodate itself to the changes going on around it—to discharge with renewed efficiency its duties, and fulfil effectively its sacred trust. With respect to some of the schemes that had been suggested with this object, one was the institution of suffragan bishops; and another, the elevating all existing bishops into archbishoprics, and the establishment of new episcopal jurisdictions. He would assent to neither of these propositions. Certainly the former of them was the ancient mode of remedying the deficiencies in episcopal superintendence; there were suffragan bishops (to go to no more remote antiquity) at the time of the Reformation, and there existed a statute, the 26th of Henry 8th, for their provision; but they were only the deputies of the bishop, they had no original jurisdiction—they could only assist the bishops in subordinate and strictly ministerial functions; and if instituted at this time in populous parishes, although they could take part of the duties of confirmation, consecration, &c., the whole care of the diocese would lie on the principal bishops, with this further aggravation of a great existing evil—the diminishing the intercourse, at present unfortunately too small, between the bishops and the clergy. The division of the great dioceses was the true remedy for the evil; and his endeavour was to try to persuade their Lordships to take means for carrying the measure into immediate effect. He thought the evil so pressing that they ought to take instant steps for creating



the new bishopric, and not wait until one became vacant. The recent increase of the number of judges from twelve to fifteen seemed to him an analogous case. That addition to the ancient number was justified on the ground of necessity; he thought the same necessity now existed for making a correspondent addition to the number of bishops. The only real difficulty which stood in the way was that pointed out by a right rev. Prelate the other night, viz., the seat in their Lordships' House. Inasmuch as it appeared to be agreed upon all hands, that however just it might be in principle, still it was not desirable to increase the number of bishops having seats in that House, he conceived that it would be better for their Lordships to adopt the suggestion of a right rev. Prelate, not then present, and make it the law, that the junior bishops, whatever see they might be appointed to, should not have seats in that House until a vacancy occurred; that they should rise to that honour by seniority, and so there would be no increase to the number now in the House. He trusted that between the present time and the next Session of Parliament her Majesty's Government would give their earliest attention to the subject, as it was one of vital importance. He moved that the petitions do lie on the Table.

Petitions laid on the Table.

SLAVE-TRADE SUPPRESSION.] Lord *Brougham* rose to bring before their Lordships the important subject of which he had given notice. He now found himself placed in the by no means painful predicament of urging on their Lordships measures of justice, humanity, and sound policy, which, notwithstanding, were only to be carried by the sacrifice of the particular interests of large classes of their fellow-subjects. It did so happen, that if every principle of justice and humanity urged the adoption of this measure, for the more effectual prevention of the traffic in slaves, and of the employment of British subjects and capital in supporting slavery, our own fellow-subjects in the colonies had a mere pecuniary interest as direct in favour of the measure he now proposed, as the interest which the friends of humanity and justice took in the measure, on more extensive views, could be. He wished shortly to remind their Lordships of what the peculiar position of the

Parliament and the Crown was with respect to our colonial fellow-subjects; first, when they abolished the slave-trade, and next, when they abolished slavery as a *status*, or condition, in our own colonies. In both these instances it was in vain to deny that the course of our legislation ran counter to the interests of the colonial communities of the empire. When Parliament put down the slave-trade, it abolished at once a most lucrative branch of commerce, speculative, adventurous, hazardous, beyond all doubt, but still affording such large gains to those who chose to embark in it, that he believed he might say with perfect confidence, that there never was any branch of British mercantile industry so eagerly plunged into, and so fondly and pertinaciously clung to, as the African slave-trade. It was the nature of mankind, and of mercantile speculation, that the very risk enhanced the delight of the gain which those who won the prizes in the lottery were sure to make, that gain being so enormous, that it was calculated if one voyage out of five or six succeeded, all the rest being mere failures, that fifth or sixth part of the stake played for, made the fortune of all those engaged in it. The resolution of Parliament on this subject was founded, no doubt, on justice, humanity, and sound policy, but, undoubtedly, also, it was detrimental to a large class of the traders of this country. So, again, when slavery was abolished in 1833, so satisfied were they that in taking away all property in slaves, as it was impiously and profanely called by those who assumed the right of holding property in the persons of their fellow-creatures, and in declaring by law, that they would no longer permit any man to hold such property—so undeniable was it, that they confessed it to be so by the compensation they gave for it, that a very great loss was instantly and inevitably incurred by the slave-holders—that a sum of 20,000,000*l.* sterling was generously, but not more generously than justly, given by Parliament for the purpose of compensation. That was a large sum for this country to give, but justice compelled him to add, that it was not an extravagant sum for the planters. It might be very large for us, regard being had to the pressure of our burdens, and the condition of the country, but although the sacrifice made was such as to redound to the eternal honour of the people, their

Government, and Parliament, if he were asked whether he believed, from all the inquiries he had been able to make into the consequences of the measure, that the compensation was complete and perfect, he was bound to answer in the negative. He was bound to state his clear and decided opinion, that notwithstanding the great sacrifice made on our parts, the planters, as a body, had suffered very greatly in their pecuniary interests. Some estates were so circumstanced from the land being worn out, and in general from the bad condition of the property, that almost the only valuable portion of them was the slaves. To those who were receiving only a very moderate return from their property in the West Indies, their rightful share of the 20,000,000*l.*, proportioned to the number of their slaves, came to be a most valuable accession, enabling them to pay off their incumbrances, and leaving them, in some instances, a lucrative reversion; so that their affairs were in a better condition than before. These persons had no right to complain of emancipation; but their number bore but a small proportion to that of others, who had suffered most severely. He did not wish to name names—it would be invidious to do so—but some most valued Friends of his both in that House and the other—not to go beyond the precincts of Parliament—had been losers to a great extent by the act of emancipation. He knew persons who had once counted their returns by thousands, but they had now sunk to hundreds—he knew others who had drawn hundreds, but who had now scarcely any West-India property at all. The question then at once suggested itself, and this brought him to the leading feature of the present bill, when Parliament inflicted the Emancipation Act on the West-Indian body, did they mean that the planters should suffer for the gain of foreign colonies, not for that of their own fellow-subjects? Did they mean, when they prohibited the West-Indians from trafficking in slaves, and declared the African slave-trade felony, when they abolished slavery, and awarded compensation to the owners, to transfer the slave-trade to the Spaniards or the Portuguese, or to the British subject who lent his capital, industry, and skill, to the slavers of Cuba or Brazil? When his noble Friend, Lord Seaforth, at once yielded to the justice and humanity

of the Emancipation Act, and his hon. Friend, Mr. Bernal, of whom, after twenty years' experience, he might say that he had never known a better West Indian, yielded in like manner, did Parliament tell them, "We have taken your slave property from you in order to endow others with it, that they may gain what you have lost, that they may become your competitors in the markets of the world for the supply of produce which we will no longer allow you to rear, as you heretofore have done?" Quite the contrary. It was the plain and evident intention of the Legislature to prevent British subjects all over the world from trading in slaves and investing their capital either in slave-ships or slave-plantations. He was not now bringing forward any measure opposed to the interests of the planters, but those very interests were just as much bound up in it as those of justice and humanity. The Consolidation Act of the 4th George 4th, prohibited British merchants from engaging directly or indirectly in the buying or selling of slaves all over the world. He had detailed to their Lordships on a former occasion his reasons for holding that this was the true meaning of the act, and that there was not a shadow of foundation for the opinion that it was confined to British subjects engaged in the carrying trade from Africa across the sea, but that it was intended to prohibit also any buying or selling by British subjects out of the dominions of the Crown, as well as by any person, British subject or not, within the dominions of the Crown, with this proviso however, that the penalties should not extend to persons engaged in buying, selling, or conveying slaves coastwise, or from one island to another, provided that such was done within the dominions of the Crown—a proof that the exception was not intended to extend to transactions of this kind without the dominions of the Crown. Different opinions having, however, been entertained as to the construction of this act, there appeared to be a necessity for a declaratory clause, enacting that it should be unlawful for any British subject, in any part of the world, to take part in any such transactions; the only question being whether the operation should be made prospective, so as to leave impunity to acts hitherto done in real or supposed ignorance of the law. If this course were to be adopted, it would be necessary not only



to state that the act should not have its application before a certain time, but to give a distinct indemnity to persons who might have acted in ignorance. No man doubted that if a British subject carried a cargo of slaves from the coast of Brazil to that of Cuba, he was guilty of felony by the Slave-trade Abolition Act, just as much as if he were engaged in carrying a cargo from the coast of Africa to the West Indies; but what was doubtful was the purchasing within Brazil or Cuba the slaves necessary for cultivating a given plantation. See how near this came to African slave-trading. How was the line to be drawn. Was a British subject, who happened to have a plantation near Rio Janeiro, and wanted to buy five or six slaves in order to supply the deficiency of his number, or extend cultivation, to be allowed to go out and meet a slaver at sea, in order to get the first of the market? Was he to go ten leagues out to sea with wherries, in which he might transfer the slaves to land? It would be monstrous to say no. It would be as much an act of slave-trading as if he had gone to the coast of Africa, and purchased slaves from the native chiefs. For this purpose the word transhipment had been used in his act. Was it to be allowed that an English planter was to go into the harbour of Rio, and wait there till a slaver arrived, and when the black flag was hoisted, or when whatever other signal that was customary had been made, was the English planter to be allowed to go and buy the unhappy slaves, and bring them on shore? Was not that just as much an act of felony by the Slave-trade Abolition Act, as if the planter had gone and bought his slaves on the coast of Africa? Then how were they to draw a line between the man who acted as he had described, and one who went for the purpose of trade traffic into the slave bazaar at Rio, where the poor creatures were cooped up like cattle, with chains upon their limbs, and weak and emaciated after all the horrors of the middle passage? Was the Englishman to be allowed to go and take away his purchased slaves from that bazaar? He had no means of distinguishing between such practice and common slave-dealing, and he should continue to believe, till the Legislature told him the contrary, that it had been quite as much the object of the Legislature to put down all such acts as he had described, as those

more open acts of the slave-trade against which our legislation had been more immediately directed. The first part of the bill to which he was now directing the attention of their Lordships, went to declare all buying, selling, or dealing in slaves, wherever it might be committed, to be a felonious action. Another part of the bill he admitted, went a step farther than the law had hitherto gone. Its object was to prevent British subjects from investing their property in slaves; not merely to prevent them from purchasing slaves, but from continuing to hold slaves purchased in times past. No doubt this was the part of his bill that was most likely to lead to differences of opinion; but he could not see a reason why, after Parliament had put down slavery in the British dominions, British subjects should nevertheless be allowed to continue to hold slaves in foreign countries. If this were allowed, there would be a competition of English capital against English colonists, and this competition it was, that the Legislature was undeniably bound to prevent if it could. This the bill proposed to do, by making it penal for a British subject to hold slaves in any foreign settlement. But then, it had been said, a British subject might become possessed of slaves without any voluntary act of his own; and against that objection he had provided by a clause, stating that no part of this act should extend to any property coming to a British subject by marriage, descent, or bequest, or by any transfer of mortgage, provided it took place without any voluntary act of his own. There was another exception, to this purpose: the act prohibited the selling of slaves under a heavy penalty, and also the holding of slaves, though under a minor penalty; but persons already possessed of slaves were to have eight or ten months given them, within which period they were to be allowed to part with that possession. The consequence would be, that all persons who, not only before the act of 1824, but even subsequently to the passing of that act—and here he was, bound to say that his views had been warmly opposed by other abolitionists—and he had found it very difficult to answer their objections—but he was to consider that all who had become possessed of slaves, even since the act of 1834, should all be held to have acted innocently, and should be enabled, till the bill now pro-

posed came into operation, innocently to part with those slaves. There were some minor points to which it would not now be necessary for him to call their attention, but which would probably come under their notice in the course of the progress of the measure. There were two clauses—the 9th and 10th, which had been intended to empower British consuls to watch the proceedings of British subjects and British trading companies in countries where slavery existed, but this he had since been assured, might lead to some embarrassments, and his right hon. Friend Mr. Ellis, who had lately returned from Brazil, where his mission had by no means been unattended with result, even as far as the object was concerned, had assured him (Lord Brougham) that no good was likely to be obtained from retaining this clause in the bill. Under such circumstances, he should not, of course, persist in pressing this clause on Parliament. There was another point on which it was necessary for him to say a few words. The way in which an innocent trade on the African coast was carried on, presented a subject of no little difficulty. Many persons in this country fitted out expeditions with goods for the African coast, and on their arrival there, those goods immediately found their way into the hands of persons engaged in the slave-trade, by whom they were afterwards employed in the purchase of slaves. Now, it would be a very unfortunate thing if the innocent trade to the African coast was put down; on the contrary, it was the wish of Parliament that that trade should be encouraged as much as possible, as the most effectual means of civilising that great continent. He proposed to meet the difficulty by giving to the executive government the power of issuing orders in council from time to time, for the purpose of regulating the trade, and correcting any abuses that might spring up in it. Lastly, with respect to mining companies in the hands of British speculators, he proposed to give to Government the power of requiring security [that those companies would not engage in any traffic that would directly or indirectly lead to the African slave trade. The noble Lord concluded by moving the second reading of the Slave Trade Suppression Bill.

Lord *Ashburton* did not rise to offer any opposition to the bill of his noble and learned Friend. He had no doubt the

measure would be made to attain a very desirable object, and he had no doubt, at the same time that care would be taken to prevent the measure from bearing with severity on innocent persons, who happened to be engaged in commercial pursuits in those countries where slavery still continued to exist. No doubt it would be perfectly right and proper to prevent British subjects from purchasing property within countries where slavery continued to exist, and then investing capital in slaves for the purpose of working that property. But in Cuba and Brazil there were British merchants engaged in important commercial undertakings, men of extensive connections, who had invested millions of money, and gave employment to thousands of their fellow subjects. Now it would not be an easy matter for men so circumstanced to pass their lives in such a country, without being drawn into the commission of acts that might be construed into offences against the provisions of this bill. He had not read the whole of the bill, but he hoped that provisions for the protection of such persons had been already introduced in it; or, if not, that such provisions would be introduced into it when in committee. There were a thousand chances by which property connected with slaves might come into a man's hands, but he had no doubt that before the bill passed through the two Houses of Parliament, it would be carefully looked at and examined by persons whose interests were likely to be affected by it.

Bill read a second time.

#### LIMITATION OF ACTIONS (IRELAND).]

The *Lord Chancellor* said, that the Limitation of Actions (Ireland) Bill was precisely similar to the one that had passed that House last Session, and he should therefore merely move, that the House now go into committee on the bill.

The Marquess of *Clanricarde* must protest against so indecent a proceeding. Here was a bill that would immediately affect some twenty or thirty actions in Ireland, and would disturb a large amount of valuable property, and such a bill should be accompanied, at least, by some statement from a Minister. The bill had not passed Parliament last Session; for it had not passed the other House of Parliament, and their Lordships required to have some explanation of this. An attempt to smuggle the bill through the



House was degrading to the dignity of Parliament.

The *Lord Chancellor* said, he had not the slightest objection to state the nature of the bill. It was a Whig bill, and arose out of the report of a commission appointed to inquire into the state of the law regarding real property. Upon that report certain alterations were proposed by his noble and learned Friend who then held the great seal, and a bill was brought in and passed without opposition, and was now never mentioned without approbation. The object of the bill was to enact, that after a certain number of years' possession the holder of the property should not be disturbed in his possession. Advowsons were a description of real property that required particular clauses. Instead of limiting the right in this case to forty years, the bill prescribed this rule:—that if the adverse possession amounted to sixty years, or if there had been three presentations, then the person enjoying the property should not be disturbed in his enjoyment. That was the object of the bill that had passed through that House nine or ten years ago, as the result of his noble Friend's commission—not a Tory but a Whig bill. But it so happened, that a great authority on Irish law in that House, Lord Plunkett, stated, that he saw no reason why the bill should not be extended to Ireland, and in consequence of that suggestion, a bill was introduced into their Lordships' House last Session, and passed the House without a division, and almost without a remark, and the only reason why the bill did not pass through the other House was, that it was sent down at too late a period of the Session. There was a peculiarity in Irish law, for which provision would be made by this bill. By the statute of Charles and by that of Queen Anne, in the Irish Parliament, provision was made that when an advowson happened to be in the hands of a Roman Catholic—Papist was the term used in the Irish acts of Parliament—the right of presentation should be exercised by the Crown, until the individual holding the advowson conformed to the Established Church, when the right of presentation immediately returned to him. Now, it was reasonable and proper that the adverse possession of the Crown should not bar the latent rights of the legitimate holder, and for this peculiarity a provision had been made in the bill. It

had been said, indeed, that in such a case the Crown acted merely as a trustee, but the Crown never could be a trustee; and even if it were possible that the Crown could at any time assume the character of a trustee, it could not assume that character in this case, the words of the statute being, that the right of presentation should vest in the Crown. He trusted he should be able to give a satisfactory reply to any objections that might be raised in the progress of the measure through that House.

The House divided on the question that the House resolve itself into committee. Contents 30; Not-Contents 4;—Majority 26.

House went into committee.

Bill passed through committee with amendments.

House resumed—Bill reported.

House adjourned at nine o'clock.

## HOUSE OF COMMONS,

Friday, July 7, 1843.

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Designs Copyright.  
2<sup>o</sup>. Charitable Loan Societies (Ireland); Public Works (Ireland); Cathedral Churches (Wales).  
*Committed.*—Court of Exchequer (Ireland).  
*Reported.*—Norfolk Island; Bridges (Ireland).  
*Private.*—1<sup>o</sup>. Burry, etc., Navigation, and Llannelly Harbour (No. 3); Morris's or Wilkinson's Estate.  
*Reported.*—Northampton Improvement.  
3<sup>o</sup>. and passed:—Lord Gray's Estate; Argyllshire Roads; Townshend Peerage.  
PETITIONS PRESENTED. By Mr. A. Chapman, from South Shields, Tynemouth, and Whitby, against the Coal-Whippers Bill; and by Sir J. Johnstone, from Scarborough, to the same effect.—By Mr. Ferrand, from Spitalfields Weavers, against Machinery.—From Birr, against the Pawnbrokers (Ireland) Bill.—By Mr. Sheppard, and other hon. Members, from a number of places, against the Factories Bill.—From Runcorn, and Bedford, in favour of the County Courts Bill.—From Dundee, in favour of the Scientific Societies Bill.—From Leeds, for preventing Frauds against Creditors by secret Warrants of Attorney.—From Bolton, Salford, and Manchester, against the Coroners Bill; and from Bath, in favour of the same.—From Northwich, for a Tax on Wood sawn by Mills.—From Dundee, for Mitigating the Sentence of Cooper and other Chartists.—From St. Mathew's Bethnal Green, against the Poor-Laws.

NATIONAL REMONSTRANCE.] Mr. T. Duncombe had a document to present, to which he believed no objection, as to form, would be made, inasmuch as it concluded with a prayer, though it was headed a national remonstrance, and emanated from the London National Association, complaining of the grievances and sufferings of the working classes, praying for a better system of representation. He moved that it be brought up.

The *Speaker*: The document, as a remonstrance, would not be received.

Mr. *T. Duncombe* believed, that as the document concluded with a prayer, it was not out of form. He should take the sense of the House upon its reception.

The *Speaker* said, if the document had been headed a petition, it could not be objected to, though it contained a remonstrance.

After a short debate, which was adjourned to Monday, the motion and the remonstrance were withdrawn.

[PUBLIC BUSINESS.] Sir *R. Ferguson*, referring to the late period of the Session, suggested to the right hon. Baronet (Sir *R. Peel*) whether it might not be advisable either to refer the Irish Poor-law Bill, and the Irish Municipal Bill to select committees, or else to take them at morning sittings, with the view of expediting their progress.

Sir *R. Peel*: Personally, he was ready to give any portion of his time to the expediting of the public business in that House; but it was a question whether it would be of any great service in furthering the object they had in view, to devote thirteen hours each day in that House, instead of nine, which were now occupied by Parliamentary business. The delay which had occurred in the progress of the business of the Session—not merely of the Irish business—was much to be regretted, but he did not see how the Government could be held responsible for it. He was sorry when impediments in the shape of adjournments of particular debates were thrown in the way of the progress of legislation: but when those impediments arose from the desire to debate the question fully, he did not see how they were to be avoided. It was greatly to be regretted that the progress of legislation should be suspended as it had been during the last three weeks, in which no progress had been made, but he saw no means of preventing it. If the hon. Gentleman would repeat the question on a future evening, he would give him a more precise answer.

STATE OF IRELAND — ADJOURNED DEBATE.] Order of the Day read for resuming the adjourned debate.

Mr. *B. Cochrane* said, that whatever might be the opinion of that House with reference to the advisability of going into

a committee on this question, he thought, at all events, the House must be agreed on one point, that no question could be brought before it of greater importance than the state of Ireland. There was another point upon which all must be agreed, and that was, that the question could not have been brought forward with better temper or more ability than it had been by the hon. Member for Limerick. Residing as he did in England, it was extremely difficult to understand the extent and nature of the movement now going on in the sister country. But, on reading the accounts of that movement, and even allowing something for exaggeration, all must be persuaded that it was a movement which could not be treated with neglect—that the day had come for active measures, or at least for explicit declarations of opinion. It was a movement which would exercise great influence on the national prosperity, and, more, it was a movement which could not be arrested by discussion on petty details. It was one which must be discussed on great general principles. If they looked back to the history of Ireland, they would find that no political movement had ever taken place there which was not, in some way or other, connected with religion. The revolution under Tyrone was a religious movement, and the Irish of that day were as much opposed to the principles of the Reformation as they were to the Government of England—so much so, that the Spanish general took the title of General of the Army of the Faith in Ireland. The rising in Ireland in favour of James the 2nd, had as much of religion as of politics in its character. When that monarch entered Dublin, he was surrounded by all the prelates and pomp of the Romish religion. Even the present repeal agitation was of that character. To read Mr. O'Connell's speeches, one would think that the great evil of Ireland was the Protestant Church Establishment. So far as he was individually concerned, there could be no one more opposed to religious persecution, no one more regretted the persecution under which the Irish people had suffered in the beginning of the previous century; but he would ask any candid person, who had read the history of religion in Ireland, whether there had not been nearly as much persecution on the one side as on the other. At the present moment, he did not see that the state or



revenues of the Established Church formed any excuse for the general agitation prevailing. In 1833, the revenues of the Established Church did not exceed 800,000*l.* per annum. Now, he believed, it was but 500,000*l.*; and surely, that was not a matter of great national importance—why we had sacrificed three times that sum in adopting the plan of penny postage. To show how entirely opinion in Ireland had changed in a few years with respect to the Protestant Establishment, he would just read the communication of two witnesses, who gave evidence before the committee of 1824 and 1825. The Rev. Michel Collins was asked—

“Do you think with respect to the establishments of the country, with respect to the existing Protestant Church Establishment, that would not remain a source of complaint and grievance?—Not at all, the Church Establishment is a temporal establishment, as connected with the constitution of the country; they have no jealousy on that score. Do you seriously believe that, generally speaking, in the minds of the Roman Catholic clergy, there is not any disposition to disturb or dispossess the Protestant hierarchy?—I do most seriously believe it, and would make the most solemn declaration to that effect—I can undertake to say that not a single Catholic clergyman will contradict what I aver, that they, as Catholics, have no views whatever to the disturbance of the establishment.”

Mr. O'Connell, on being examined, said—

“I know that the Catholics do not look to any such ascendancy;—I know that there is a very warm and cordial feeling on the part of the Catholics towards all the Protestants in Ireland. I am of opinion that the Roman Catholics are made more zealous in the profession and practice of their religion by there being a Protestant ascendancy in Ireland.”

In 1833, Mr. O'Connell said—

“It had been insinuated formerly, that there was a class in Ireland who wished for the establishment of a different church, let the noble Lord throw out of his idea such a contemplation—there was no wish in Ireland to forward or support any such plan.”

That was the opinion of Mr. O'Connell in 1833. How different now was his language with reference to the Church Establishment. He would now allude to a few of the points which had been dwelt on by the hon. Member who had brought forward the present motion. He regretted that the hon. Member had thought it expedient to bring forward many trivial details. The hon. Member, had, for in-

stance, spoken of the dockyards, and complained that none of those establishments existed in Ireland. Now, the dockyards were all in the channel or in the river, and it really did appear necessary that such establishments should be as near the centre of Government as possible. Again, the hon. Member had complained that ten of the Cabinet Ministers were English, and not one Irish, but the hon. Member forgot the Duke of Wellington; but it was impossible that the hon. Member or any one else could imagine that the question of country had ever entered into the selection. Another point to which the hon. Member had alluded—and it was an important one—was the state of the representation. He had mentioned Galway, with its population of 400,000, and its four Members, while Dorsetshire, with 170,000 inhabitants, had fourteen. Now, he was free to admit that in the cases both of Scotland and Ireland, if the thing were to be done over again, there should be a fairer distribution of the representation. There was Lanarkshire, with its two large towns of Greenock and Glasgow, had only 4 Members in all for a population of 400,000, consequently the grievance was nearly the same in both countries. Might not the Scotch, then, as well seek a repeal of the Union on the grounds of insufficient representation? Another point which the hon. Member had alluded to was the fixity of tenure question; but the hon. Member must know that as agriculture improved, and as the wealthy farmers increased, the land must be thrown into large farms. What was it that caused the excellence of the Lothian farming but that land was divided into large farms? {He did not mean to say, that the landlords should act harshly in bringing about those inevitable changes, but it certainly was not a matter in which the Legislature could interfere. The hon. Member had cited British policy in Canada as a pattern to be followed in Ireland, but that policy had only been a year in operation, and therefore we could not as yet form any opinion as to its excellence. He had seen it stated in a paper called the *Notion* that the American Repealers had declared that in the event of disturbances in Ireland England would lose Canada; and certainly he doubted very much whether Canada would be safe in the event of a civil war in Ireland. While he objected to discussions

on minute details, he certainly agreed with the hon. Member that Government should in their measures take into consideration the feelings of the people of Ireland. Such feelings might be mistaken, but while they existed they should be attended to by the Government. There was, for instance, the mail-coach contract, an unimportant case, but the people displayed a feeling in the matter, which should have been regarded. He was also ready to admit, that our legislation for Ireland had for a long period—in trifling matters—been harassing and vexatious. There was a measure now before the House, the Arms Bill, which, although he had voted for it, he considered to be of that character, and utterly inefficient as a weapon in the hand of the Government. [*Cheers.*] He said so frankly, and he felt that if a nation were inclined to rebel, the Arms Bill would not prevent them. The measure would prove ineffectual, and was unworthy the discussion it had caused. At the same time it might be used as a means of irritating and exciting the Irish people. Another topic in the hon. Member's speech was the dismissal of magistrates for attending repeal meetings. Now, repeal meetings were either illegal or they were not; if they were illegal they should be put down; if not, what right had Government to supersede the magistrates? It was by such vexatious and harassing proceedings, instead of by a vigorous course of action, that the people of Ireland had been irritated. The Irish character had not been sufficiently considered. It was noble, generous, and enthusiastic, easily excited to evil, but deeply sensible of kindness. On such minds one cold and unkind expression would inflict more pain than a long series of legislative favours would confer pleasure. Men of such a character could not be harassed in vain; but he (Mr. Cochrane) did believe that if conciliation was properly tried, and not wrested by force (which point the hon. Member opposite had put so well), it would not be tried in vain. God forbid that any principle should be sacrificed—especially one involving the Church. The revenues should never be touched. He would yield to every wish which did not injure the principles of the Constitution. The Roman Catholics should enjoy every thing in and under the State, but not be the State itself. Against the Roman Catholics he must say, that in many persons in

this country, he was grieved to add, in this House, there was a most bitter feeling of enmity. The language sometimes made use of against the Romish Church was calculated to arouse the most bitter animosity. Why, when they spoke of that most ancient faith, superstition was a mild term. What! we applied the term superstition to a religion which existed in all its power 600 years before Christianity was even preached in this country—superstition to a church which numbered amongst its disciples 150,000,000 of people, while all the Protestant sects together did not number 100,000,000. Was it by such means we could hope to make converts to the Protestant faith, or weaken the attachment of the Catholics to their church? There was a passage in one of the works of the right hon. Gentleman the President of the Board of Trade, which contained a great and unmistakable principle, he said, "toleration promotes unity." As he had said, even the faults of the Irish arose from their excess of feeling, and even for their present errors he could find excuses. Patriotism is naturally an ardent feeling. What man can love his country with coldness? If we believe that moderation can combine with good faith, why may we not also believe that good faith can exist in men whose feelings lead them far beyond the bounds of due discretion? So fervently was he persuaded that consistency, generosity, and warm-heartedness could win the affections of that people, that he believed there was one man who, had his life been happily spared, would have at least stayed the peril—he meant that man whose protective policy was extended to all nations, wherever there was a wrong to redress—who ever stood between the oppressor and the oppressed—that man who, from a deep feeling of consistency, sacrificed to his principles the best years of his official career—that man, the effect of whose instinctive, glowing eloquence, was traditionary in that House—who, winning admirers by his public virtues, retained them as his friends by his private excellencies—of whom than of none other it could be better said,

"He broke no promise, served no private end, He gained no title, and deceived no friend."

He meant Mr. Canning. He did believe that, had Mr. Canning lived, the love borne to his name, the affectionate confidence he enjoyed, and his consistent



conduct towards Ireland, would have averted, if it had not altogether arrested, the evil. He would repeat, that nothing could save Ireland but decision, energy, action, and affection. There was a great Repeal agitation. Yes, but when did it arise? Who were the leaders? That was the question. Was one man to be punished while another escaped? When Sextius went to Tarquin, informing him of an insurrection in Sabii, and requiring to know how he should act, Tarquin took the messenger into his garden, and cut down his tallest tulips. So even they must look to leaders of sedition. It would not do to sacrifice some miserable deluded follower, and let the great apostle of sedition escape. The man to be marked out for punishment, was the man who had spoken treason against the State. Yes, treason. Was not such language as this treason?—

“The nation (said Mr. O’Connell at Dundalk) is with me—man to man with me—aye, and ready, if it were necessary, to perish to the last man. Nothing could justify the exercise of the sentiment thus proclaimed, but the inevitable necessity created by an attack upon us, and I have the pleasure to tell you we are too strong to be attacked. Sometimes there comes over me the temptation, and I am almost induced to hope we might be attacked. But I promise you as a perfect certainty they will not do it, and there is no concealing the certainty, that if they did attack us the result would not be doubtful.”

Now is not such language treasonable? Remember the men to whom it is addressed. Well, then, such are the men who engross the people, and who inflame their passions and excite their feelings—who term all Government tyranny, all justice cruelty—who, if treated with lenity, conspire in broad daylight—with harshness, conspire in the darkness. The hon. Member concluded—I do not believe that your armies will avail—I am assured your Arms Bill will not.

“A nation,” (says Mr. Burke) “is not governed that is perpetually conquered—terror is not always the effect of force—an armament is not always a victory—the laws are powerful if carried into effect,”

Remove the great criminals, and the people will soon disperse when they no longer find leaders. If at the same time that we uphold the Union, and the principles on which it was framed we cordially and frankly endeavour to win the sympathies and affections of the nation—if we

teach them that they have friends in this country who consider their interests—if while we are resolved to have the laws obeyed, we frame these laws as justly as possible—if we have not real spirit of kindness and good will which, even in a thousand unspeakable ways, and which, like the majesty of truth, carries conviction to all hearts—if landlords will discharge their duties to their land which Providence has bestowed upon them—if they remember, as the noble Lord had said, that “Property has its duties as well as its rights,”—then I do not despair of Ireland—I do not despair of one day seeing this nation, now so much distracted and disaffected, a happy, united, and contented people.

Mr. Ward said, that the hon. Member who last spoke, had done much to redeem the debate from the character, he was afraid, was about to attach to it. The hon. Member had expressed enlarged views, and kindly feelings, and had done justice to a people who generally had little justice done to them in that House or that country. He had told Ministers that they must base their future policy on justice and conciliation, and although he might not agree with the hon. Member in some of his conclusions, he thanked him for his admissions, and for the frank, liberal, and honourable spirit which he had succeeded in infusing into the debate. He could not but feel the other night, when there were not fifty Members present to listen to a motion, which would find a response among millions on the other side of the channel, that a proper interest was not taken in such a discussion. The hon. Member for Limerick had introduced his motion by a speech, to the tone and temper of which everybody had done justice, but the House would be putting a foolish faith in the stability of the power of this country, if it exhibited either indifference, or apathy regarding Irish matters. Nothing could be more fond or foolish than the notion that it was impossible to shake the stability of the present order of things. We had lived of late in too easy times, and had brought ourselves to the belief that there could be no changes among nations, or men that did not first receive the sanction of a majority of the House of Commons. He had lived in other countries, and had witnessed other scenes; he had seen more than one revolution, and had observed the growth of that sort of feeling, which led to great popular movements; he had narrowly

watched the chances, which those men had a right to reckon upon, who once made up their minds to play this desperate game; and never had he seen such a combination of formidable circumstances as now presented themselves in Ireland. Never had there been so remarkable an organization, never so much union, and never had such extraordinary power been concentrated in the hands of a single individual. How was this state of things to be met? This was not a question to which the House could be indifferent; it ought not, by a species of lazy determination, to take the chance how things might turn out, and trust to Providence for the issue of events, which might be regulated by human means. The complaints were not met by the speech of his noble Friend the Secretary for Ireland. The noble Lord with all the kindness, and all the mildness, for which he gave him credit, discussed the matter as if it had been the details of a turnpike bill. Yet the noble Lord made large admissions. He admitted that there were great grievances and great discontent in Ireland, but he told them that the grievances were social, and Parliament could not deal with them, and that the discontent took such a vague, mysterious, indefinite, and spectral form, that to grapple with it, was impossible. The noble Lord opposed inquiry, because he said that inquiry implied censure on the Government. He admired the susceptibility of the noble Lord's conscience, but he could only pay his conscience a compliment at the expense of his understanding, for the noble Lord must see by his own speech, that without inquiry nothing could be attempted. The form of the motion was also objected to, but it was only a parliamentary form of telling the Government that something must be done,—that the House and the country would not be satisfied with leaving things as they were, after the noble Lord's own admissions had proved the necessity of prompt, and vigorous action. Official men were always regulated by the same ideas on such subjects; they always objected to inquiry, because it interfered with the regular course of things, to which they were accustomed. Then the noble Lord did not like appeals to be made to history, which he called reviving the passions of the past, for history, he said, ought to be read in a more philosophical spirit, and to be considered as a study from which to derive lessons for our future guidance. He agreed with the noble Lord in this, but to get the lesson, it was ne-

cessary to go back; and, without going very far, the noble Lord would find a perfect parallel for his own case. He need only go back to 1780. He would not compare the noble Lord to Lord North, who, in the then excited state of the country, said, that—

“The discontent of Ireland was a child of the imagination, for except where laziness was attended with its never-failing companion, wretchedness, all in Ireland was a continued scene of content, and festivity;”

Yet, at this very time, the Government was bankrupt—the country defenceless—the people in arms, but not under the Crown, for the very men who enrolled themselves in the Volunteers refused to serve in the Militia, because they must have held a commission from the King. This was enough to alarm most people, but not the noble Lord, who was then Secretary of State for the Home Department, Lord Hillsborough, who objected so strongly to the interference of Parliament, that on the 22nd of February, 1780, he wrote a despatch to the Duke of Buckingham, who was then Viceroy, almost in the words of his noble Friend, calling upon the persons in office to discountenance parliamentary inquiry:—

“The King sees with great concern, that any Member of the House of Commons intends, at so delicate and critical a time, to agitate, in Parliament, questions that may, in their consequences, tend to interrupt the harmony, and affection, which it is his Majesty's gracious object to strengthen by every means in his power.”

That language the noble Lord now repeated after the lapse of sixty years. The noble Lord admitted it was necessary that something should be done, but he said it would be highly inexpedient at this particular period for Parliament to enquire what could be done most effectually. Official men always held much the same language. The time was always “too delicate, and too critical,” even where the object was just. He was afraid, that motion like that of his hon. Friend, the Member for Limerick, would always be inconvenient in point of time. But in 1780, had the pretty phraseology of the Secretary of State, which the noble Lord was imitating the effect of stopping Mr. Grattan? Did it disarm the volunteers? Not a bit of it. Things went on then, just as they would do now. Commercial concessions were made. They did something, but they had no great effect, for they came too late. Free-trade was called by Mr.



Yelverton "the lullaby of liberty," but the people were told to cultivate their political rights in order to secure free-trade. Stronger language was then used, than had been used yet in the present agitation. They had mottoes on the flags of the volunteers, and over their cannon, much stronger than any which were now seen:—"Hibernia tandem libera." "A short money bill—a free-trade, or this," (hung round a volunteer field-piece at a Dublin review). "May the virtuous resistance of America prove a seasonable lesson to the British Minister." On 4th November, 1780, it was resolved by the Dublin Volunteers—

"That we will not obey, or give operations to any laws, save only those enacted by the King, Lords, and Commons, of Ireland."

And the Convention of Dungannon solemnly declared, that—

"The claim of any body of men, other than the King, Lords, and Commons of Ireland, to make laws to bind this kingdom, is unconstitutional, illegal, and a grievance."

They had not seen this repeated now. They had not heard any man high in office, say what Mr. Prime Sergeant Burgh said in the Irish House of Commons.

"Don't talk to me of peace in Ireland, Ireland is not in a state of peace, it is smothered war."

Ireland, however, was really in a state of smothered war, although more moderation was shown, and he asked the Government how they meant to deal with it, if they refused inquiry? Was it by the Arms Bill, which the hon. Member (Mr. Cochrane) called a bill harassing to the people, and useless to the Government? Or did they mean to borrow the Convention Act of 1796, and to put down all meetings held under the pretence of petitioning. Something they must do, for either the repeal meetings were illegal, or they were not. They had dismissed the magistrates who attended them, but they should not stop there if the meetings were illegal; and if not illegal, why interfere at all? But it was clear to everybody that these meetings could not go on, without leading to more. Mr. O'Connell himself avowed it. He said, in one of his last speeches, that his object was to concentrate opinion into one focus, and then to demand the restoration of that Irish Parliament which Plunkett, Bushe, and Saurin, had declared that the Union could not destroy. The precise *modus operandi* was stated in his speech at Dundalk:—

"I am perfectly sure of having a majority of the south with me. I am not afraid of getting a substantial portion of the people of the north with me, and then the national movement will be complete, and the next step must be taken. The next step will be to consider the plan for the new Irish Parliament; the towns that ought to send members to the new Irish Parliament will be ascertained by taking up the population of 1831, so that no favour is given to anybody. Every town having 9,000 inhabitants is entitled to representation; and that, with county members, will make up 300 members. In order to carry out this plan, I will propose that each town so entitled to representation do lay down 100*l.*, and, with the aid of the individuals whom they select, we will meet in Dublin to consider the plan I have suggested. Any town that refuses to make that sacrifice, I don't think it would deserve to have a member in the Irish House of Commons. If the individuals chosen are not ready to make that sacrifice for the towns, they don't deserve to be returned for those towns afterwards. I would thus have three hundred gentlemen assembled in Dublin by accident. A treasury will be formed by the in-pouring of the sums I have specified, and they can dissolve themselves the next day, if the law requires it. And what is to prevent my asking those 300 gentlemen to a public banquet, at which nobody else shall attend but themselves and me?"

Every town with 9,000 inhabitants was to send one representative, and each county was to return its members, as it did now. These persons were to meet at Dublin, accidentally, of course, and Mr. O'Connell also accidentally would dine with them, a day or two after their arrival. He pledged himself as a lawyer that this would be no violation of the law; he had driven a coach and six through acts of Parliament before, and he would drive these 300 persons through it. This was the natural termination of what was now in progress, and we should see these 300 delegates, representing much more truly than the Irish Representatives did now, the feelings of the Irish people, assembled in Dublin, and placed in direct collision with the Crown. He must not call them delegates, he supposed, but the gentlemen, who came accidentally, would meet there. How was the Legislature to deal with this state of things? He did not think that the improvements in the fisheries, or that the disposition of the House to legislate for Ireland, where no great principle was involved, of which the noble Lord boasted, would have the desired effect. Nor did he think that the noble Lord's complaint against the Catholic clergy would help him. Indeed, he deemed

the attacks made upon the Catholic clergy most useless, most injudicious, and most unjust. He would not, any more than the noble Lord, palliate the language used by some of the Catholic clergy, the language of Dr. Higgins in particular, and he regretted as much as the noble Lord the change which had taken place since 1830 and 1834, when was issued the admirable address, which had been quoted, full of the spirit of conciliation and peace. But the noble Lord must have a convenient memory if he thought that this change was without cause. The noble Lord must have forgotten the history of his own party during the last five years. He must have thought that other men's hands were as clean as his own; for he must do the noble Lord the justice to say, that he had kept himself aloof from the outrageous display of English fanaticism which had disgraced the party, to which he belonged. What, however, did the Catholics opposed to repeal, say with regard to the occurrences of the last few years? What was their opinion of the recent conduct pursued towards them? He fell in the other day, with a pamphlet, containing a letter from the Earl of Shrewsbury to Mr. Ambrose Phillips, in which the noble Lord, after praising the declaration of the Catholic bishops of February 9, 1830, against the interference of their clergy in politics, asked,

"What has altered these just, wise, and moderate sentiments, strengthened by the resolutions adopted by another general convocation of the Catholic hierarchy in 1834, published in the *Ordo Divini Officii*, of 1835? Why were the chapels, which were not to be used for public meetings, except in cases connected with charity or religion—now admitted to be the focus of the repeal agitation?"

It was because—

"The failure of the compromise attempted in 1835—the admission by the Whigs, when they abandoned the Appropriation principle, that they had no hope, or prospect, of carrying out their own plans, in however modified a shape—the use made of religion to justify a franchise different from the English and Scotch franchise, in the Municipal Act—the tone and spirit of Lord Stanley's Registration Bill—all these things presented to the quick and suspicious mind of the Irish nation the gradual extinction of their liberties, and the consequent return of the oppression and persecution of their religion, as within the range of possibilities, and against which Repeal was their only security."

Were these suspicions unjust? A man as he said before, must have a convenient memory to think so. That was the answer

made by a moderate Conservative Catholic to the charge brought against the Clergy of his creed in the speech of the noble Lord the other night. Could any one lay his hand upon his heart and say that the conduct of the Conservative party, during the last five years, did not justify these suspicions? He would not allude again to the language of the Lord Chancellor, to which he had referred the other night. It was said, that an explanation of these words had been given; but there were words that could never be forgotten, as there were acts that could never be recalled; and these words of Lord Lyndhurst never could, and never ought to be forgotten by the Irish people. Then let them look at the *Tory Press*. The Catholic priests, it was said, ought not to take part in political matters, yet they were called "surpliced ruffians" and "trumpeters of sedition;" and this not merely during the heat of the struggle for power, for, no later than Monday last, looking at the *Standard*, he found that the one thing necessary for Ireland was,

"To convert the Irish people (seven millions of men) if not to Protestantism, at least to a Romanism less hideous, servile, and debasing than that, in which so many of them are now enthralled"

Well might the hon. Member for Bridport say, that these reiterated attacks upon the Irish, coming from the same quarter, irritated the Irish people, and prevented a good understanding between the two sections of the empire. Let them not forget too the political agitation of the Protestant Association of 1839, and 1840, by which the present Government made religion a stepping stone to power. Half the Tory nobility took part in this unprincipled crusade. Lord Wharnccliffe, now the President of the Council, was President of the West Riding Reformation Society, and worked it as a political engine to procure the return of his son. He held meetings, to which Mr. McNeil, and Mr. McGee, were brought to calumniate the Catholics in all the great towns of Yorkshire. Nor was this confined to Yorkshire. In his own county, Hertfordshire, there were similar associations, and who was at their head? Lord Verulam, a distinguished Conservative nobleman. Throughout many parts of the country, prayers were offered up, and fasts were held, because his right hon. Friend, the Member for Tipperary, and now for Dungarvon, was introduced into the Privy Council, and there were fasts to avert the wrath of God, because the hon.



Member for Kildare, and the hon. Member for Waterford were in office. Aye, and the noble Lord the Secretary for the Colonies defended this. [Lord Stanley: "No."] Yes! he would remind the noble Lord that he stood God-father to Mr. McNeil, in the debate on Sir John Yarde Buller's motion, when the noble Lord admitted that he had attended one meeting at which Mr. McNeil was present, and added, that he thought him one of the most moderate, mild, and christianlike men he had ever known. Then the noble Lord asked,

"Have you the confidence of the constituencies of England?—No! Of the clergy?—No! You do not pretend to that."

And the noble Lord added—

"The Government of England is a Protestant Government. Its Members must not be the minions of Popery."

After the lapse of three years, the noble Lord might find it convenient to forget his objections to the appointment of three Catholics—the most distinguished of their class—to office, under a Liberal Government; but then he said:

"The Government of England is a Protestant Government, its Members must not be the minions of Popery."

And could they blame the Catholic clergy for resenting these insolent terms, applied to the most distinguished, and moderate men of their class? Labouring under this misfortune as to the past tactics of his party, the noble Lord the Secretary for Ireland was rather premature in complaining of the Catholic priests. When, however, they talked of Conservatism, he must remind them that there was a time when the Conservatives entertained different views. To find them he must go back to the days of Mr. Pitt, who, in May, 1805, said,

"He wished to make the Catholic priests the link, as it were, between the Crown and the people. That would have been a large, and comprehensive policy."

What a narrow, and mean, view must be that, which his successors had taken? How low the Conservative party must have been reduced, when it discarded the principles of Mr. Pitt, and made use of bigotry as a stepping-stone to power. Then with respect to the appointment of persons to Office, made by the noble Lord, or perhaps not appointed by him, but to whose appointments he was forced to append his name. Their defence had been put by the noble Lord on the only intelligible ground, when he said,

"It had been admitted that a Government could not appoint its opponents, and as almost all the Roman Catholics were opposed to the Government, it followed that the larger portion of those employed by it must be Protestants."

And then he went on to justify the promotion of Mr. Brewster, of Mr. Justice Jackson, of Mr. Baron Lefroy, and of Mr. Litton, on the plea, that,

"Political partizanship had never been considered as a ground for excluding men from promotion at the bar, and whatever had been the conduct of such partizans in Parliament, there never had been any partiality upon the Bench."

In England this was true; in England it was a safe rule to adopt, that political partizanship at the bar did not prevent impartiality on the bench. But it was not so in Ireland, where there had been more fierce partizanship amongst the judges than had ever been before displayed in the history of the world. There were positions in which no justice would be expected by the parties, and that was the reason, why, as Mr. Grattan said, there were men, who, when placed in power, "carried rebellion in their very names." The first advice by Mr. Grattan to Mr. Fox, in 1782, was,

"To dismiss from their official connection with the Government some notorious consciences, to give a visible, as well as a real, integrity to his Majesty's councils. The people have a personal antipathy to certain men, who were the agents of former oppression, and would feel a natural delight in the justice of discarding them."

Ireland was not changed since that time, and there was the same natural dislike to certain men, borne almost instinctively, yet, the noble Lord says it would be unjust to withhold the patronage of the Government from these men, on such grounds. It was a question between the country, and the party; but this was the misfortune of the noble Lord's position. He could not get rid of this difficulty. And Ireland was forced to choose between a party that had the wish to serve her without the power, and a party that had the power without the will. The natural consequence was that Ireland was beginning to serve herself. The country had thought hon. Gentlemen opposite nearly perfection; for, three years ago, they believed that they were so superior in all the qualities for office that they had only to be placed on the Treasury Benches, for the course of public affairs at once to run smooth. The noble Lord near him (Viscount Palmerston)

believed that the delusion was still existing; but he (Mr. Ward) saw gratifying symptoms of a return to sounder opinions, after the wonderful success of the Government in marring every thing they took in hand. Ireland, however, would wait no longer, and was acting for herself. Things could not remain in their present state; the Government must act too; what did they mean to do? They ought, in his opinion, to begin by granting this inquiry. This would be a rational step, and would tend greatly to conciliate those persons both in Ireland and in this country, who thought, as he did, that repeal was separation, and separation war. He could not hesitate to express his strong feeling upon this point, though it might be unpalatable to his Irish Friends; and he founded his opinion on the results which followed the independence of 1782. At that time Ireland had nothing to ask. Her legislative and judicial independence were absolutely conceded. Mr. Fox said, that, "unwilling subjects were little better than enemies," and he resolved to carry conciliation to the utmost extent. What was the result? The Rotunda meeting of Volunteers in the very first year after the independence. The Regency question occurred in 1789, and not only were there two Parliaments, but there was likely to be two Executives, for the same individual would have had to act in different capacities in England and Ireland, if the illness of the King had not taken a favourable turn. They saw also Mr. Grattan, who had received every mark of his country's gratitude, lose entirely popular influence, and power, because he had refused to join in the agitation against what was called "Simple Repeal." Mr. Fox, writing to Lord Northampton, said,

"Volunteers, and soon, possibly, volunteers without property, will be the only government in Ireland, unless they are faced this year in a manly manner."

And another great Irish patriot, and leading political character, Mr. Daly, in a letter to Mr. Grattan, said:—

"We have reaped the benefits of having armed the people, and now we must hope to avoid the inconveniences of it. Our volunteers here were ready to determine, in twenty-four hours, any question, in the whole circle of sciences, that could be proposed to them, and to burn any unfortunate person that doubted their infallibility."

The same experiment would now lead to the same results, for all experience, as well as all reasoning, prove the total incom-

patibility of two legislatures held together by the feeble link of the Crown. They had recently seen a great meeting held in Dublin, which, it was understood, the Government wished to put down, but no one would make the necessary depositions to enable the authorities to interfere. At that meeting he found Mr. O'Connell laying great stress upon the fact that the first step in an independent, or domestic, legislature, would be the encouragement of home manufactures by high protecting duties. He supposed that this would necessarily lead to retaliation here. There would be a war of tariffs. Kind friends on the continent would fan the flame, and the end would be war. God forbid that the day should ever come when the attempt to govern Ireland by the coarse, and unblushing, corruption avowed by Lord Westmoreland, could be repeated, or when it should be necessary to have recourse to martial law. But this was the curse of the old system. Either corruption or brute force was required, to make it possible to govern at all. These things, however, were impossible now. No Government dare repeat them. The noble Lord near him, could not—the hon. Gentlemen on the Benches opposite, dare not. Since that time, also, a great difficulty had arisen. If in 1782, the feeling of nationality was so strong, what must it be now, when instead of four millions of people in Ireland there were eight millions? Yet, Mr. Parsons, afterwards Lord Rosse, in February, 1790, said:—

"Who, out of Ireland, ever hears of Ireland? What name have we among the nations of the earth? Who fears us? Who respects us? Where are our Ambassadors? What alliances do we form? We sacrifice all that gives a nation consequence and fame to our connection with England; and what ought we to get in return? I say, an honest, an impartial, and a frugal Government. If we are to have expence, let us have empire, and not allow ourselves to be drained of our wealth for the benefit of others, without dignity, and without glory. Who governs us? English Ministers, or rather the deputies of English Ministers—mere subalterns in office, who never dare aspire to the dignity of independent thought."

And he added,

"To arm a country with power first, and then to treat it as if it were impotent, is the most preposterous folly; and it is a dangerous lesson to teach four millions of men, living in a most defensible country, that the attainment of every thing short of Separation, will not attain for them good Government."

He believed that these sentiments were



now almost universal in Ireland, and consequently that any attempt to maintain the connection between the two kingdoms, with no other link but the Crown, would prove an utter failure, and must eventually lead to a struggle, which every one must deplore. But what was the remedy of the noble Lord? To leave things as they were—to disregard those feelings, the existence of which he could not deny—to leave Ireland to a power which she could not resist. There had not been a proposition made in the speech of the hon. Member for Limerick, which the Government seemed disposed either to dispute, or to deal with. Its sole proposition was, to let things take their course, with the certainty of having hereafter to meet the difficulties which its own vacillation must increase. He maintained that there was another, and a better, alternative, and that was to try whether in their English Parliament they could not do for Ireland, that which she would do for herself, if she possessed the power. That was an alternative worthy of them as a Christian Legislature—worthy of those religious feelings, of which they were so fond of boasting. Let them allow themselves to be led by them for once. Let them look to the horrors, and evils which they would avoid, by taking the whole question into timely consideration. What were the main points on which consideration was demanded? The first was, that of the Tenure of Land in Ireland. It was said that it was impossible to deal with this matter, because it involved an interference with the rights of property. If the noble Lord would refer to the report of the Poor-law Commission in Ireland, a report prepared with the utmost care, and in which the evidence of persons of all classes was given with singular impartiality, he would find that there had been no doubt expressed by any one of the feasibility, and necessity, of dealing with this question. The present time appeared to him to be particularly favourable for the attempt. It must be made by some one, and if not made now, the property classes of Ireland would live to rue the day, when the Government refused to give the matter their attention. He had seen the address of the Repeal Association, in which the Prussian system was referred to as a model to be imitated. What was that system? It was the simple confiscation of one-third, or one-half, of every farm in the Kingdom for the benefit of the occupying tenant, varying in proportion according to their tenure. [*Iron-*

*ical Cheers from the Ministerial Benches.*] He knew what that cheer meant, but let them not think that he approved of such a system. [*Hear, hear.*] He would not be misrepresented, and wished not to be misunderstood. He had said that the present moment was favourable for the interposition of the Legislature, because the Protestants, and the Property classes of Ireland saw great reasons for apprehension in the address of the Repeal Association, in which this proposition had been put forward as feasible and just. Nothing was further from his thoughts than to adhere to such a plan; he wished to combine greater security for the tenant, with the greatest possible regard to the rights of property. But to leave the tenant absolutely unprotected, at the mercy of an Absentee landlord, was a most dangerous experiment to persist in. If they looked back for sixty years, they would find the system producing, periodically, the same effects, for Lord Clare said, in 1790, that he knew whole districts, and counties, in which the tenants were “ground down by their landlords”—“brayed as if in a mortar.” He asserted then, that it was most desirable that the Legislature should interpose, and should deal with this question promptly; for that it would be better to do what must eventually be done, under the safeguard of the British Crown. There was another question, with which he would deal—the question of the franchise—almost in the very spirit which the hon. Member for Bridport, (Mr. Cochrane) had spoken of it. That hon. Member had admitted that great inequality existed. He had admitted, that if the thing were to be done over again, the franchise in Ireland ought to be put upon a different footing. And he (Mr. Ward) was convinced, that, so long as Mr. O’Connell could appeal to the fact, that every Welshman possessed in himself the same rights of representation which were divided amongst fourteen and-a-half Irishmen, an anomaly existed which it could not be expected, that a high-spirited race of men like the Irish, would endure. He would deal, therefore, with the franchise, both as regarded the constituency of Ireland, and the representation of Ireland in the Imperial Parliament, in a large and liberal spirit. Then as to the question of the Church which was the only remaining subject to which he should refer, as having given rise to great differences and affected the amicable disposition of Ireland towards this country. As he had pledged himself to

afford the House an opportunity, during the present Session, of discussing, and pronouncing an opinion, on this subject, he would only now put forward this proposition, that it was absolutely indispensable that Englishmen of all parties should make up their minds, that the Protestant establishment in Ireland must be reduced to such limits as might recommend it to the Catholic population of that country. He believed, that the establishment, as now constituted, must be given up, if the Union was to be preserved; but while he was prepared to take this course, he would take care that the rights of every existing incumbent should be respected. He admitted, that the opposition to the Church was not what it had been twenty, or even ten years ago; but the existing establishment was nevertheless still looked upon as a stigma upon every Catholic. They could not reconcile their feelings to it, and it was impossible to justify its continuance upon any principle adopted by any nation of the world. His noble Friend near him (Lord Howick) had said, a few years ago, that "there was too much Church" in Ireland, and that the people of that country never ought to be satisfied until they got rid of it. Mr. O'Connell had said, not once, but repeatedly, that, until the Church was reduced within its proper limits, the Union with Ireland was "a living lie." Mr. O'Connell had put forward that assertion in his memoirs of Ireland, Irish, and Saxon." He said,—

"The Union is a living lie, until Ireland is placed on equal terms as regards its Church establishment with England and Scotland."

The right hon. Baronet (Sir R. Peel), in a speech, which he had quoted the other night, had predicted most accurately every thing that had since occurred, when he warned the advocates of Catholic Emancipation, that Emancipation would only increase the hostility of the Irish to the English "intrusive" church. His colleague (Sir James Graham) had entertained different views. But though that right hon. Baronet was a little warped—a little cracked—if he might be permitted to use that phrase, without offence—upon the subject of Church Establishments in general, he (Mr. Ward) was happy to find, that when he went towards the Borders, he could talk most excellent sense on the right of a country to such an establishment as the majority of its population preferred. They had had a discussion in that House on the subject of the Church of Scotland, in which the right

hon. Baronet had thus expressed himself:—

"It is the boast and honour of the Scottish people, that, in coming to the settlement by which they were united to the Crown of England, they preserved, by treating upon independent terms, their National Church, as a mark of the perseverance with which they resisted the dominant power of England, and secured to themselves the establishment of their free religion—upon which condition alone they could be induced to consent to the Union. I think, therefore, that, in discussing this question in the British Parliament, we are bound to regard it with peculiar care. We must look at it not with English feelings, or with the prejudices of Englishmen, but we are bound to regard it upon the principles of the Union—upon Presbyterian principles, as established by the act of 1790."

Let the right hon. Baronet apply the same arguments to Ireland, and all differences would be at an end. The right hon. Baronet would tell him that there were technical differences between the two cases, but what did this matter, if the principle in both were the same? The right hon. Baronet might say that, at the Scottish Union, the independence of the Scottish Church was provided for; but that at the Irish Union, by a delusive, and equivocal Article, the existence of the Protestant Establishment was guaranteed. That Article, he maintained, was an infamous cheat. The Catholics had been deliberately misled. They had been deluded into a full belief, by the almost positive assurances of Mr. Pitt, and by the hopes encouraged by Lord Castlereagh, that emancipation would immediately be conceded, and that, as a natural and necessary consequence, their Clergy would be paid. He maintained that Parliament must now go into the question, and the sooner they did so, divesting themselves of every unworthy prejudice, the better would be their prospect of seeing peace between the two countries firmly established. He wished the Government to accede to the present motion, and to follow it up by a message from the Crown, similar to that which Mr. Fox brought down in 1782, recommending

"Such a final adjustment of the discontents, and jealousies, prevailing in Ireland, as may give mutual satisfaction to both kingdoms."

He should like to have some tangible proof of this kind, that it was intended to deal with the whole question of Ireland as it must be dealt with at a very early period; and to negotiate, with a due regard



to the feelings, and wrongs, of the Irish people, such an adjustment of all matters in dispute would allay the irritation which now existed, and secure the stability of the united empire. He could conceive two different courses to be possible under present circumstances. He could conceive a reckless, sanguinary course of policy, founded on all the worst passions of the human breast, appealing to our worst prejudices,—recalling the old “No Popery” cry from its unhallowed grave,—and arraying man against man in an unnatural war. But he could also conceive a wise and conciliatory policy founded on liberal concessions,—concessions which England might make, without humiliation, and even with dignity, because made in the spirit of justice, and in the consciousness of her own strength; and he felt assured that no false fears, or shame, or pride, would induce parties, for the sake of petty squabbles amongst themselves, to withhold their earnest support from a Government which had the wisdom, and the courage, to adopt such views. But the one thing, that was impossible was, to leave Ireland in the position in which it now stood. They must be prepared to act—they must accede to just demands in a proper spirit of liberal concession, in order to be able to reject other demands not authorised by necessity, or justice. Nothing but a perfect identity of interest between the two countries could now stop the progress of Repeal; and if they attempted to stop it by force—if they refused the alternative, which he had ventured to recommend, they would have nothing left but to drift blindly on, at the mercy of a movement, which was daily gaining strength, until at length compelled, to array themselves in arms against their fellow countrymen, to the utter destruction of that greatness which England had attained during the last 200 years. They knew that Ireland was paralyzing our arms in every quarter—they knew that it was Ireland, on which France was trading with her revolutionary designs in Spain—they knew that they could not advance a step in their continental policy without being taunted with weakness at home. There might be difficulties,—social problems to solve, but they must be prepared to grapple with them, and as a first step towards this,—a pledge of sincerity,—an earnest of peace,—it would be desirable for the honour, and dignity, and safety of the country, that they should accede to the motion of the hon. Member for Limerick.”

Mr. *E. Tennant*, must express his surprise, that the hon. Gentleman, with his experience of the practice of the House, should have found fault with the course adopted by the Government, of resisting this motion merely because it was a motion for inquiry. The hon. Gentleman must know that no practice was more common, or none more deprecated, than that of avoiding a substantial vote upon the merits of a question, by the substitution of a committee to inquire; and he could remember one memorable instance on which it met with a merited rebuke. It was on the occasion of the Repeal debate. In April, 1834, when Mr. O’Connell moved for a committee to inquire into the operation of the Union in Ireland, and stated that he asked only for inquiry, and those who voted with him stood pledged to nothing more, whilst those who were opposed to his principle would not surely oppose a fair inquiry, which, if he were in error would expose his error, confute it, and prove him in the wrong, Lord Monteagle said in reply, that—

“He had often heard this most fallacious argument used, and as often as he had heard it he felt convinced of its sophistry. It would impose upon Parliament the duty of inquiry, not only into every subject upon which the Legislature could found remedial measures, but also into every question on which no practical measure could be founded.”

Lord Monteagle proceeded to allude to the circumstance, that the hon. Member for Waterford, Mr. Barron, had at the hustings at Dungarvan, in 1833, expressed his willingness to vote for inquiry into the operation of the Union, although he was not yet prepared to vote for its Repeal—an alternative which Mr. O’Connell had described—

“As gross an attempt at delusion as ever was made; and that it was an insult to the understandings of the electors of Dungarvan to suppose they could be taken in by so flimsy and despicable a deception; but the fact was, that as a politician Mr. Barron had always been despicable.”

“From which, (said Lord Monteagle) I deduce, on the authority of Mr. O’Connell, that a motion for a committee of inquiry is so gross a delusion, that it would be an insult to our understandings to entertain it, and that the man who would vote for it would be despicable as a politician.”

The tendency of the speech in which the hon. Member for the County of Limerick opened this debate, and the alternative which it implied, were simply to

the effect that Parliament should forthwith proceed to the investigation and redress of what he enumerated as the evils of Ireland; or, failing their effectual interference, that a remedy for each and for all must be found in the Repeal of the Legislative Union. But were he prepared to admit in their fullest extent all the evils which the hon. Member had enumerated, and were Parliament to fail in effecting their removal as thoroughly and as expeditiously as he demanded, it still remained for the hon. Member, and those who had followed him on the same side in the debate, to demonstrate the efficacy of the other alternative, and to show that for all or for any of them a remedy could be discovered in the Repeal of the Union. Throughout this debate, and the numerous others which had preceded it upon the state of Ireland, the evils complained of were confined to two classes, fiscal and religious, the grievances arising out of the tenures and charges upon land, and those jealousies which were connected with the maintenance of the ecclesiastical establishment; and extensive changes in the one, and the entire surrender of the other, had been suggested as the corrective to discontent and the panacea for Ireland. As to the latter of these propositions, the abolition of the Protestant establishment, he (Mr. E. Tennent) presumed that that at least was a matter which the House was not prepared to entertain incidentally in a discussion upon Irish disturbances. Parliament would enter with some solemnity and caution upon a question which was not regarded as a mere item in the catalogue of the grievances of Ireland, but as part and parcel of the constitution of England itself. If the Irish establishment was to be surrendered, that of England must be readjusted by the same standard, abolished or upheld, and upon the same principles. If it was to be judged only by the test of concurrence or dissent, and if it were laid down that the majority in Ireland are not to contribute to the maintenance of a Church from which they differed, the grievance as between that country and this would be then only one of degree, and the minority of Dissenters in England would have, upon principle, as just a claim to be relieved from the burthen of the national establishment as the Roman Catholic majority in Ireland would have to insist on a similar exemption. Into the merits of that question, therefore, it was not now necessary to enter; but when a demand

for the sacrifice of that establishment was openly made by the movement party in Ireland, and when the concession was recommended by individuals in that House as a propitiatory surrender on which they were justly entitled to insist, two other considerations were forced upon us, totally apart from the merits of the subject; first, whether, looking to the proceedings of the past, those who now made this violent demand had not again and again divested themselves of every title to institute such a claim, and whether they had not, time after time, accepted of other concessions on their solemn disclaimer of every shadow of pretension to this? and, secondly, whether the sacrifice, if completed, would purchase the consummation it sought, and restore peace to the country by contenting its disturbers? They were warned by the hon. Members for Liskeard and for Bath, that they must be prepared to sacrifice the Protestant Church of Ireland in order to satisfy those who would otherwise insist upon the Repeal of the Union. It was a remarkable fact that the emancipated Roman Catholic population of Ireland, who were now the only clamourers for the Repeal of the Union, were themselves, in 1799, its strenuous advocates and its active promoters, because through the Union alone they saw a prospect of obtaining Catholic Emancipation. The Protestant establishment was the intermediate obstacle. To have emancipated them before the Union should have been consolidated would have been to place that establishment at the unfettered will of a Roman Catholic majority in the Irish House of Commons; but they saw that the Union once cemented, and the interests of that establishment thus secured in the hands of a Protestant majority in the House, emancipation might be freely conceded without peril to the Protestant Church. Mr. Pitt, in 1800, laid down broadly this inducement, and even the enemies of the Roman Catholic claims were constrained to admit that with the achievement of the Legislative Union their fears and their opposition would subside. On this understanding the Roman Catholics, in 1799, tendered their support of the Union as their guarantee for the safety of the Church; and by the Protestants the security of the Union was universally pleaded as an argument for the absolute safety of conceding Catholic emancipation, which was granted in 1829. Down to that year the compact was rigidly observed, and till after Roman Catholic



emancipation had been solemnly confirmed, they never heard from the Roman Catholics of Ireland one murmur against the existence of the Union, nor one demand for the destruction of the Church. On the contrary, the most explicit and elaborate assurances were year after year reiterated that the concession of their claims for emancipation would be the most absolute bond for the inviolability of the Union and the permanence of the establishment. In 1757, forty-three years before the Union, the declarations of the Irish Catholics, then eagerly praying for the repeal of the penal laws, promulgated a declaration which was drawn up by Dr. O'Keefe, one of the bishops, aided by Mr. O'Connor, of Belenagare, and Mr. Wyse, of Waterford, in which they made this deliberate and solemn declaration:—

"It has been objected to us that we wish to subvert the present Church establishment for the purpose of substituting a Catholic establishment in its stead. Now, we do hereby disclaim, disavow, and solemnly abjure, any such intention; and further, if we shall be admitted into any share of the constitution by our being restored to the right of the elective franchise, we are ready in the most solemn manner to declare that we will not exercise that privilege to disturb and weaken the establishment of the Protestant religion, or Protestant Government in this country."

Again, in 1792, when eagerly engaged in the same pursuit, the Roman Catholics presented a petition to the Irish Parliament, containing the following striking declaration:—

"With regard to the constitution of the Church we are indeed inviolably attached to our own. But we are satisfied with the present condition of our ecclesiastical polity. With satisfaction we acquiesce in the establishment of the national Church; we neither repine at its possessions, nor envy its dignities; we are ready upon this point to give every assurance that is binding upon man."

Such were their sentiments before the Union, and when the accomplishment of that measure had so far consolidated the Protestant representation of the kingdom as to give abundant security for the safety of the Church, they again renewed those assurances in all their subsequent applications to the united Legislature. In 1805, in 1808, 1810, and in fact in every year up till 1829, similar protestations were made and similar assurances given that their object was an equalization of civil rights, and that they repudiated the imputation of any dissatisfaction at the ex-

istence of the Protestant establishment. These were their words in 1812:—

"We have solemnly sworn that we will not exercise any privilege to which we are or may be entitled to disturb and weaken the Protestant religion or Protestant Government in Ireland. We can with perfect truth assure the hon. House that the political and moral principles asserted by these solemn and special tests are not merely in unison with our fixed principles, but expressly inculcated by the religion we possess. And we do most humbly trust that, as professors of doctrines which permit such steps to be taken, we shall appear to this hon. House entitled to the full enjoyment of religious freedom under the constitution of these realms. We can affirm with perfect sincerity, that we have no latent views to realize, nor secret or sinister objects to attain. Our object is avowed and direct; earnest, yet natural; it extends to an equal participation of the civil rights of the constitution of our country equally with our fellow-subjects of all other religious persuasions. It extends no further."

In fact, so repeated were these disclaimers on the part of the bishops, the clergy, and laity of the Roman Catholic Church, that in 1826 they had to complain that their sincerity was still doubted, and that they had year after year to submit to the humiliation of renewed protestations. Here was an extract from the declaration published by the British Roman Catholic bishops in that year:—

"British Catholics are charged with entertaining a pretended right to the property of the Established Church in England. We consider such a charge to be totally without foundation. We declare that we entertain no pretension to such a claim. We regard all the revenues and temporalities of the Church Establishment as the property of those on whom they are settled by the laws of the land. We disclaim any right, title, or pretension, with regard to the same."

Again, in an address from the British Roman Catholics to their Protestant countrymen this year:—

"Fellow-countrymen,—Bearing equally with you, our fellow-subjects, the burthens of the country, and upholding equally its institutions and its glory, we claim to be admitted to a full participation in all the rights of British subjects. Every principle or practice hostile in the remotest degree to those institutions we most explicitly disclaim. Year after year we repeat the humiliating task of disavowal; still we suffer the penalties of guilt."

Such were the solemn renunciations and disclaimers of the Catholic party, previously to the concession of Catholic Emancipation; and again and again all designs,

immediate or ultimate, latent or overt, against the established Church were perseveringly denied; and Mr. O'Connell himself, upon his oath before a committee of the House of Lords, in stating his conviction of the security of the state should emancipation be granted, declared

"In my answer I coupled the Church with the State in my idea. I conceive that as long as the State is secure, the Church is secure."

He would repeat it, that in the face of documents such as these, the House of Commons was debarred from even entering upon the question of the surrender of the Church of Ireland. Even supposing the demand to have substantial merits and inherent right to recommend it, the Roman Catholics of Ireland had solemnly barred their own title to demand that surrender. They entered into a contract "in the face of their country of all Europe, and before God," to use their own words, by which they renounced even the remotest design upon that establishment, and they became pledges for its inviolability should their own civil demands be acceded to. Those demands have been conceded, and if they now wish to retract their agreement and to recall their pledges, if they demand the surrender of the Church or the Repeal of the Union, let them first, in common justice and honesty, restore the considerations which they have already received,—let them repeal the act of 1829 along with the act of 1800, and restore to the Protestant Church the one guarantee before they proceeded to strip it of the other. With regard to the other class of Irish grievances arising out of the imperfect agrarian system of the country, however more real and more urgent might be their pressure, they were still less to be dealt with by the summary process, suggested by hon. Members on the other side. Were the agrarian discontents and disturbances of Ireland matters of modern discovery—were they the growth of the Union, or had they appeared only subsequent to its consolidation,—they might be less embarrassed to discover their cause and less timid in applying a remedy. But when they found them in full vigour a century ago, under all the paternal vigilance and care of a domestic legislature, and exciting alike the anxieties of an Irish as of a British Parliament, it was as absurd to ascribe their origin to the influence of the Union, as it would be futile to resort to Repeal for their remedy. The leading evil of Ireland, and which, apart from party virulence and religious antagonism, engen-

dered every other species of disaffection and restlessness in Ireland, was the existence in that country of an over-grown population, utterly disproportionate to the means of profitable employment. It was this which had produced a ruinous competition for land, and a still more ruinous competition for labour, while it had in many districts reduced the nominal farmer to a labourer and the labourer to a pauper; and this condition of habitual poverty had prevailed from so remote a period, that the ambition of the mass of the people had been chilled, and a sort of recklessness and indifference had become almost the national characteristic of the Irish peasant, leading in its turn to improvident marriages, and still increasing population. It was but peddling partisanship, or at best but a wretched delusion, to ascribe to the brief era of one Ministry or another an evil such as this, which had been the growth of centuries and the result of permanent and unaltering circumstances—circumstances which, as they grew out of social disorganization, have been to a great extent beyond the reach of legislative correction, and still more so of executive control;

"How small, of all that human hearts endure,  
The part which kings or laws can cause or cure."

But whether it were to be ascribed to the early mis-government of Ireland, to the neglect of absentees, or to the defective franchise which gave a premium to the creation of a pauper constituency—to whatever cause it was to be ascribed, the effect had been observable from a period long antecedent to the Union; and Curran in the Irish House of Commons stated, in 1787—

"That the main source of the alarming violent outrages which had so long disgraced that part of the kingdom had its immediate origin in the poverty of the people, and the total inability to find profitable employment."

The observation was as faithful today as it was then, and so long as the population of Ireland remained thus idle and impoverished, so long must they calculate on the permanent existence of discontent, and the periodical return of disturbance; and the practical problem which Ireland presented for the solution of the statesman was, how such a disproportionate population was to be governed in peace, elevated by education, supplied with profitable employment, and taught by the pursuit and the possession of property to respect its rights. When



the right hon. Baronet at the head of her Majesty's Government made, upon a former occasion, the frank and candid avowal, which had been so often quoted, that he looked upon Ireland as the grand difficulty which he had to encounter in returning to power, he could not possibly imagine that the right hon. Baronet had in view, when he made that assertion, the paltry rivalry of parties or the jealousies of sects, the mere scrambles for patronage, or the competition for office. These, indeed, were the only difficulties which seemed to have presented themselves to Lord Normanby, at least, it was with these alone he professed to grapple; and his partisans and admirers arrogated for him upon all occasions the distinction of having regenerated Ireland, when he had sopped the Cerberus of agitation by investing his partisans with the honours of the magistracy, and rewarded political services by professional promotion. The remedy was a sedative for the moment, the clamours of agitation were suspended, and the nation was invited to behold the triumphs of statesmanship, and the consolidation of the Union. But the Government of Lord Normanby was drawn to a close, the lull of tranquillity had been exchanged for the renewal of agitation; and they had the highest authority of the movement party assuring them that the practical grievances of Ireland were still unredressed; that her national prosperity had not been in the slightest degree promoted; that the experiment of Whig conciliation had been as unproductive as the era of Tory coercion; and that the poverty, the discontent, and the want of occupation and remunerative industry in Ireland could be redressed by no legislation, and were only to be removed by the fiat of her Majesty for the restoration of an Irish Parliament. He did not bring this feature as a charge against the late Administration. He did not impute it to them as a fault that they had not applied a legislative remedy to that social disorganization which was not within the jurisdiction of legislation. He gave them full credit for the inclination, had they seen any course through which the power at their disposal, could have been effectually applied, to produce an amelioration. But on their retirement from office, they left the social evil as they found it, and they could aspire to no higher meed of applause for their government of Ireland, than that of having purchased a temporary tranquillity by a peculiar conferment of

patronage and Ministerial favours. The evil in the agrarian system in Ireland was too deeply-rooted to be eradicated by such surface expedients as these. Slow and remote in its growth, the remedy must be gradual to be effectual for its removal, and it was to be achieved, not by any violent enforcements of fixity of tenure, such as Mr. O'Connell had defined, but by the concurrent inclination and cordial co-operation of the landlords of Ireland, in conjunction with the Government, to diffuse education amongst the young, and to extend employment to the adults and the old. It was by an influence such as this, coupled with a resolute enforcement of the law, and a temperate but firm protection of the peace, that agitation would be discouraged, and tranquillity restored. Amidst an industrious and moderately employed population, the most experienced practised demagogue in Ireland would look in vain for the materials for national conventions; and industry would be found more effectual than oratory in influencing the opinions and determining the conduct of the people of Ireland. To quiet the insane agitation of Ireland, the hon. Members for Bath and for Sheffield had recommended the surrender of the Irish Church, and extended alteration in the social Government of that country. But let not the hon. Members or the House be deluded by such a hope. Mr. O'Connell himself had left no room for mistake upon the point, but had honestly declared that no concession, no surrender, no conciliation, no meed of favour, and no measure of justice could be accepted as an equivalent for the Repeal of the Union, or should ever quiet his career. At the meeting of his followers in Dublin, on Monday last, these were his words:—

“ His spirits exulted, he felt as though he trod the air, when he looked around him, and felt himself surrounded by myriads of his countrymen who were resolved upon achieving the liberty and independence of their native country. He would take nothing short of Repeal—Repeal before everything—Repeal in preference to everything. This was what he was struggling for. Too long had he said that, if England gave us justice, he would not look for Repeal; but he now altered the tenor of his song. England had not the power of doing the Irish people justice otherwise than by the restoration of our native Legislature, for this was the only measure which could establish our commerce and manufactures upon a lasting basis. This alone could keep our rents at home—this alone could give Ireland to the Irish, and the Irish to Ireland. He did

not care what England did ; he was for Repeal—live or die.”

Again, at the Corn Exchange, when the day following he declared, that he had been advised—

“To accept of no compromise. He might be offered the sacrifice of the Established Church, and an appropriation of its resources to the State ; but that he should take all he could get, and give up nothing—and upon that advice, it was his fixed determination to act.”

He trusted the House and the country would be instructed by this candid avowal of Mr. O'Connell as to the scope and aim of his movement—that that aim being avowedly the dismemberment of this great empire, they would resist it with all firmness and resolution ; that they would not yield to clamour, that which they conceived to be repugnant to duty—but that they would resist sedition by the unswerving redress of every acknowledged wrong ; and to use the language of the hon. Member for Limerick who introduced the motion, when encouraging the Government of 1833 to put down the agitation of the Repeal of the Union, that they would be “just and fear not.”

Sir F. J. Norreys observed, that as the hon. Gentleman admitted Lord Normanby had secured a temporary tranquillity in Ireland, by a judicious exercise of the patronage of the Government, he wished to God that the hon. Member would induce the present Government to pursue the same course, so that they might at least attempt to gain a similar result. The speech of the hon. Gentleman had no reference to the motion before the House ; for not only was there nothing in the motion respecting Repeal, nor had any hon. Gentlemen, in any of the speeches that had been addressed to the House in support of the motion, suggested this as one of the remedies which they would recommend. He was as little in favour of Repeal as the hon. Gentleman, and he had suffered as much, or more, for opposing it, than the hon. Member. He was prepared to suffer as much again ; and, from what he heard, this would most probably be the case. His hon. Friend the Member for Limerick had made a most admirable statement of the grievances of Ireland. Still, however, he thought that his hon. Friend had not sufficiently dwelt on the great evils that arose from the social situation of the peasantry of that country. All other questions in comparison with this

were of minor consideration, for he believed that it was the root of nearly all the evils they were exposed to. He believed that the time was rapidly approaching, when it would become imperatively necessary to discuss the law of landlord and tenant in a manner which had not hitherto been attempted in that House, and in a way which might startle the principles of any man who considered that he had a right to do what he liked with his own. He admitted that they should interfere as little as possible with the management of property, but he thought that the law might be made to provide that land should be so held as to inflict as little injury or hardship on those, whose means of subsistence was derived from the occupancy of it. There was no doubt that the people were ready to tear each other to pieces for the sake of getting the occupancy of small pieces of land at an extremely high rent. If any stranger came to that country, he must be surprised at this state of things, when he found that there were hundreds of thousands of acres of land lying waste, and which were capable of a high degree of cultivation. The cry of the people was, let us have this waste land, which is of no use to you, and which would afford us the means of employment and subsistence. At present the greatest impediments were thrown in the way of the cultivation of this description of land, by the existence of claims originating at some remote period. He thought that the time had come when, if the landlords refused to cultivate these lands, the Legislature should compel them either to sell their rights, or to let them, the landlord receiving a certain amount. By all means, also, he would induce the landlords of Ireland to give long leases to their tenantry, without which there could be no thriving state of agriculture. The great impediment to doing this was the expense of the stamps which it was necessary to affix to the leases, agreements, &c., and the Chancellor of the Exchequer had lately doubled the charge for them. The expense of the stamp duties for these instruments was now almost as much as the amount of the capital the peasant had to cultivate his farm with. He was a landlord, and would not on any account do anything to injure that body. He might be asked how he would propose to carry out his suggestions respecting waste lands ? His reply was, that he could conceive no



difficulty in forming local tribunals, to which all questions concerning them might be referred. The condition of the Catholic Church too met them at every step. At the present time, the priest did not merely exercise their religious functions, but were captains or leaders of the people; for every procession was described as being headed by the rev. Mr. ——. He believed that religion was at the bottom of the Repeal movement. The Catholic priest was inseparably connected with his Church, and considered the advancement of its interests to be inseparably connected with his interests here and hereafter; and his object must be to recover his Church from the state of comparative degradation in which he saw it placed in Ireland. He should be sorry to see the Catholic Church predominant; and he believed that the existence of a Protestant Church to which he belonged was essential to civil liberty. He wished no ascendancy for either Church; he wished that both should be placed on an equality, which would remove many causes of grievance. If that were done, and if at the same time something were done to give prosperity and employment to the peasantry, he was sure that they would soon hear that Repeal meetings were entirely at an end. He was convinced that it was only by measures which would give the peasantry employment, that the peace of the country could be preserved. If manufactures were introduced into Ireland, and without them there was not much chance of improving the condition of the people, they would probably become saving. There would then be an opportunity of employing capital and motives for saving. Capital would accumulate, capital would flow into the country, and manufactures would extend. It was impossible, if other circumstances were favourable, that Ireland should not become a manufacturing country. Her streams, her harbours, her mines were all favourable to that extension. All that was wanted in Ireland was a contented peasantry; and if they once had a contented peasantry, Ireland would soon become as peaceable and prosperous as England.

Mr. *Lascelles*, was not competent to enter into the details into which the hon. Gentleman who had just sat down had gone: he could only treat this as a general question. According to his view, the

question before them was, whether Parliament was prepared to adopt any measures to meet the avowed difficulties of Ireland. He had himself been favourable to Catholic emancipation; and though much gratitude might be expected from the people while that measure was fresh in their recollections, it was not, and never could be, expected to be a guarantee for their perfect satisfaction. No politician looked on it in that light. Other measures were necessary. He had listened to the speech of his noble Friend who had spoken on this subject, with the expectation of hearing some measure announced, but he was disappointed. The hon. Gentleman who had just sat down, had referred to many of the grievances of Ireland, arising from legislative and social causes, and had also referred to the religious causes of dissatisfaction. The spirit of discontent in Ireland appeared to him very like the spirit which prevailed elsewhere. It was not fair, therefore, to take advantage of that agitation to indulge in declamation against the Government; it was rather the bounden duty of those who made complaints in that House to show what measures would give relief to Ireland. From the leaders of one side or the other he demanded measures, for they could not expect that by doing nothing they could stifle this agitation. If it were, as was stated, deep rooted, and as he believed it was, the sooner some measures were adopted the better.

Mr. *More O'Ferrall* agreed with the hon. Member, that measures were required, and he trusted that all parties would unite, whatever might be their feeling, to come to some conclusion which might avoid the danger which threatened the country. He could not think it safe for the House to oppose itself to the great majority of the people of Ireland. At least, in doing that, some ground should be shown for what the House did; they should be careful to set themselves right when they were acting against the feelings and passions of their countrymen. The noble Lord the Secretary for Ireland said the British House of Commons might be as well informed of the affairs of Ireland as an Irish House of Commons; at least then let the Members of that House show themselves attached to the interests of Ireland, and ready to promote them. If that were the feeling of the House, and if the Members shared it, why should they

not form a council of the Parliament, or consent to the motion of his hon. Friend for a committee? After the able and eloquent speech of his hon. Friend, and after the noble Lord's address, it was impossible that this all-important question should not excite general interest, and it was impossible to expect that something should not be done to put a period to the evils brought under consideration. Before adverse parties proceeded to array themselves against each other—before they drew the sword—they ought to look well to the grounds on which they were acting. The hon. Member opposite said, that the Members on the opposition side of the House, who made complaints of grievances, should suggest the means of remedying them; but they did not like to expose themselves to the criticism of those who, from being in possession of office, had the opportunity of getting correct information. At the same time he would take the opportunity of stating his own feeling and opinions. The question, as it was brought before the House, referred principally to four subjects, rent, tenure, the state of the Catholic Church, and the state of the Protestant Church. With respect to the first, the object of the law, and all that it could obtain, was to secure the landlords their just rights, and not allow them to pervert the law to purposes of tyranny, iniquity, or cupidity. The law of landlord and tenant was in principle common to both countries. The law allowed of distress for rent, and in Ireland a distress on the growing crops—a power which was not exercised in England. There was also the proceeding by ejectment and the proceeding by notice, in cases where the tenant held over. There was a fifth case in Ireland which was not known in England, the law of Conacre, when the land was let in small quantities, and the rent was paid partly in labour. It was certainly true that the law was used for other purposes than to protect the rights of the landlord. He spoke not exclusively of the higher classes, for the number of landlords was very great,—almost every man who was a tenant was also a landlord. It should be recollected that the landlords of Ireland had nothing else to depend on but their rent. As that depended on prices, whenever the price fell the landlords got involved in difficulties. The landlords were not to blame; they, perhaps, knew nothing of

the proceedings till the bailiff put in the distress. Still the great power they had, and the manner in which it was used, placed the tenant completely at their mercy. The practice of ejectment was onerous in Ireland, in consequence of the practice of what was called a hanging gale, which was allowing the rent to be in arrear a-year and a half, and which placed the tenant in the hands of the landlord. By the process of ejectment, on notice, the tenant was turned out of his holding, and lost his all. Hence, when such cases were numerous, and he had seen 400 at once, there arose agitation, bills to seize arms, coercion, assault, agrarian outrage, and murder, to prevent other persons from taking the land. The terror was then so great, that notice could not be served. These were great evils connected with the tenure of land, and the question was, what was the remedy? There were great difficulties to overcome, and great prejudices to get rid of. Even benevolent landlords were unable to establish a proper relation with their tenantry, or unable to follow their feelings and give their tenants some compensation for their holdings, so that they might emigrate. The best man was liable to these evils, and as they were the creatures of necessity, he thought the Legislature should come to their help. He had no wish that the Government should advance any sum of money. All he asked was, that a law which existed in Scotland, and was found to work well, should be applied to Ireland. An act was passed a few Sessions ago to enable tenants for life to raise a sum of money on the security of the estate, for the purposes of improving it. A similar proposition was made some years ago as to Ireland; but was rejected, on the ground that there would be some speculative and extravagant persons who would expend the money in supposed improvements which were not so, and which would burthen the property with a charge without leaving his successor the means to pay it. Some special court might be formed, which should see that no man charged his estate so as to place his successor in a worse situation than he was in himself. As the law was passed for the benefit both of the landlord and tenant, he thought that the Legislature should see that the law was carried out, and not perverted from the purpose for which it was established. Extreme remedies were necessary he was aware,



for extreme evils, but it was not necessary that the remedies should always go the lengths of the complaints. What he had suggested did not, he was aware, meet all the evils of which the tenants complained. But when a system of rotten boroughs were in existence, they gave rise to loud complaints and demands for Universal Suffrage, Annual Parliaments, and Vote by Ballot. The Legislature took up the work of Reform, and applied a remedy which fell far short of the demands of the people. It was not necessary, therefore, he contended, for the Legislature to go to the extreme demanded by the people, and he believed that if the people were satisfied that the Legislature wished to do them justice they would accept the remedy it offered. There was another point which he thought worthy of investigation. In the north of Ireland there existed a practice which was found to be very beneficial, he meant what was called the tenant's right. In the north of Ireland, the person in possession of the land, though he held it by no lease, and was a tenant from year to year, or even from day to day, could sell his tenant right in the market at eight or nine years' purchase. If the landlord wished to resume his land, did he turn out the tenant, and take all the tenant's improvements to himself? No; the landlord went into the market and ascertained the value of the tenant's right, that his neighbour would give him so much for it, and that sum the landlord gave. If that practice, or custom, and customs were sometimes better than laws, was beneficial in the north of Ireland, why should it not be made the law of the south of Ireland? If that were established, and any disputes arose between the landlord and tenant, they might be settled by arbitration before the court he had spoken of, and both parties might be secured in their rights. He had not consulted any of his hon. Friends on these topics, he made the suggestion of his own accord; but if he understood his hon. Friend, the Member for Mallow, they were not adverse to his views. The question of tenure was undoubtedly one of great difficulty, but it was one they ought not be afraid to meet. It was one great source of discontent; he believed that it was a source of very extensive discontent; but he was satisfied that they might rely on appeasing that by doing justice, and might entertain no fears. There were two other questions

which he adverted to with reluctance. He regretted that the Catholic Church had been made the subject of debate in that House. The noble Lord who spoke on the subject some nights ago, had recommended that political relations should be renewed with the court of Rome. The noble Lord suggested that as a means, perhaps, by which some of the grievances of the Irish might be redressed. No Irishman, he believed, had asked for any such connection, or thought it would be of much use. He thought that it was ridiculous and absurd to entertain any fears of a few old men at Rome; but the Catholic Irish had no wish that the Government should renew the connection. Indeed the Catholic Irish had a serious objection to it. They believed that the intercourse could only be renewed [with Rome to obtain a political object, which might interfere with the independence of their church. They knew by experience, that when other states had concluded concordats with Rome, it had been to acquire power over the Catholic Church, and they were afraid that a concordat with the British Government might expose them to a similar circumstance. The resolutions entered into, and published by the Roman Catholic bishops, had been referred to. When the Catholic bishops entered into these resolutions, they did so under the conviction that the idea of religious disqualification would never enter into the minds of any one connected with the Government. Now, he asked hon. Gentlemen opposite, to lay their hands on their hearts and say, whether since the passing of the Catholic Relief Bill, the Catholics of Ireland had been permitted to stand on that footing of equality which the law gave them. This was a plain and simple question, and when they were taunted, as by the right hon. Gentleman (Sir James Graham), on a former occasion, he said, that the right hon. Gentleman should first have ascertained whether or not it were just in him to cast imputations upon men who were equally incapable as himself of doing or sanctioning anything dishonourable. As he understood the right hon. Gentleman to have entirely retracted what he believed to be an intolerable insult, he only referred to it now, in order that he might enable the right hon. Baronet to confirm him in the interpretation he had put upon his words. The noble Lord had referred to the bishops'

resolutions in 1834. He begged to call the attention of the House to this fact. In 1833, the question of the Repeal of the Union was brought forward by Mr. O'Connell. In answer to the motion and division on that subject, there was an address to the Crown, and his Majesty in his answer expressed his anxious desire that all their grievances might be redressed. It was expected then that everything would have been done to give peace and contentment to the people of Ireland. What then was done? The Government of the day brought forward measures calculated to give full contentment. He would now leave out the question of the Church, because hon. Gentlemen opposite, he knew, did not agree with him. But then there was the reform of municipal corporations. On what grounds was that refused? On the ground that the Irish were Catholics. And then, when those opposite set about unseating the late Government, and seating themselves in their place, did they not, he asked, incite, or at least countenance those under their control to heap insult and injury upon himself personally because he was a Catholic? He had never directly or indirectly sought office: but when the late Government did him the honour to make him the offer, he accepted it, and then, without any fault that he was conscious of, the public press of this country assailed him with the most opprobrious terms. He did not wish to implicate hon. Gentlemen opposite, with that which was done by the public press; but then, he asked, did any hon. Gentleman opposite, in any speech he ever made, take the advantage of any opportunity to express his regret for the course that had been thus pursued. If any one hon. Gentleman of the party opposite had done this, he certainly did not recollect it. Reference had been made to the feelings of Roman Catholic bishops. Gentlemen in that House were much mistaken as to the positions occupied by the Catholic bishops in Ireland. They had no power as mere individuals—their power was the power of the people. They had no ecclesiastical courts to give effect to their mandates. They must be enforced and maintained by the opinion of the public. The clergymen, to maintain the influence they ought to possess, were bound to go along with the people. By doing so they might prevent that mischievous chief which, without them, must occur.

When, then, the people endeavoured to obtain a redress of their grievances, and thought that the only redress would be a Repeal of the Union, it was said to the clergy that they must put themselves at their head, and if they did not do so, the consequences might be dangerous. It might be said that the Catholic prelates and clergymen were unanimously Repealers. He knew that it was not so, but when they found that the Catholic Emancipation Act was not fulfilled, then they did not consider themselves bound to follow up declarations which were made under circumstances which were totally different, or rather that had been totally altered. As to the question of the Established Church, he said that notwithstanding the tone assumed by the hon. Member for Belfast, he was not afraid to touch it. In that House he represented both Protestants and Catholics, and would express his opinion respecting every question discussed in that House, and felt himself at liberty to vote upon it. As to the Church question, it might be disposed of in a very few words. There were 700,000 Protestants in Ireland; there were 8,000,000 of Roman Catholics, and the revenues of the Established Church were about 500,000*l.* a-year. These few words said all that could be said on that question. In 1830, when it was proposed to remit the vestry rate, it was said by the First Lord of the Treasury, that he felt it was a very great hardship that the poor Irish Catholic tenantry should have to pay for the erection of churches in which the rich were to pray. If that were so, then he did not see how it was just that the Catholic landlords should have to pay the ministers who preached to others. If they relieved the Catholic tenantry, he did not see why they should refuse to relieve Catholic landlords. It was said, however, that only one-tenth of the landed property in Ireland was in the hands of Catholic landlords. In that assertion there was a mistake as to the present circumstances in Ireland. Mr. O'Connell, in making such a statement, spoke of the state of property in Ireland fifteen years ago. After a great deal of investigation into this subject, he found that in a great proportion of the sales of landed property, the purchasers were Catholics. They were the money-making and the saving class—the Protestants were the rich and the spending class, and therefore the



change that was thus taking place was in the natural order of things. If hon. Gentlemen opposite were very anxious to take the Catholic clergy into pay, whatever might be their motives, he thought he could suggest to them the means of attaining that object. He asked them this, that what they had done for the Protestants in Canada, why not do the same for the Catholics in Ireland? In the treaty when Canada was ceded to them, it was stipulated that the Catholic Church should be the Church of the State, that all things payable to the Catholic Church under the French, should be payable under the English. In 1774, when they came to settle the case in Canada, he did not say whether right or wrongfully, justly or unjustly, they made this provision, that when land became the property of Protestant Englishmen, that land was to be exempt from the payment of tithes to the Catholic Church. If that, then, were just in Canada, why should it not also be just in Ireland? If the rent-charge fell into the hands of a Catholic, why should he not be enabled to give it to the Catholic Church? In this measure, hon. Gentlemen opposite might attain their object, which it was said they desired, and this with the least chance of disturbing existing interests. It was necessary for them to look at the dangerous position in which the country was placed, and to deal with it. They ought to look fairly at the evils of Ireland, and seek to remedy them. It was his anxious wish, that all interested in that country, on whatever side of the House they sat, should forget all party, all religious animosities, and enter cordially into this question, to know whether they could not, by mutual concession or consent, come to some satisfactory settlement, on which they might make their common stand; proposing that which they believed to be just which they believed to be right, all they believed that could be conceded, and then tender that which they were willing to give, and that he hoped others would be willing to receive as a peace-offering. If it were so received, well and good; but if it were not—if there were a bad spirit abroad, and he did not believe there was; if there were that disaffection which looked to other powers for aid against England, then, he said, in that case, they would all be able as one man to take their stand against it. If her Majesty's Government

chose, however, to go to war with Ireland, and this too without first adopting measures of conciliation, then he must say, that in that war he would take no part. The Repeal of the Union he had already declared against; but on the other hand, if he were called upon as a loyal subject to join in putting down agitation by acts of hostility, he must say he could take no share in such a war, until it was first shown to him that everything had been done by those in power to induce persons to maintain their loyalty to the Crown, and their duty to the country.

Mr. *Shaw* said, that in the speech just delivered by his hon. Friend, the Member for Kildare, there were many sentiments expressed and conclusions drawn in which he could not concur. Nevertheless, he must compliment the hon. Gentleman upon the tone and temper in which he had spoken, and the spirit of a rational, impartial, and enlarged consideration of Irish affairs, superior to mere party considerations, which the hon. Gentleman invoked from that side of the House, he most readily and sincerely reciprocated. He had been unwilling to take any part in that debate. Seeing the present state of Ireland, and that he could not approve of the course which her Majesty's Government were pursuing in that country; while, at the same time, his desire was not to weaken, but to strengthen their hands, and to give them every general support in his power; and still, if he spoke at all, that he must, of course, state his opinion truly, as he held it, however, the speech of the hon. Member for Sheffield that evening, and others in the course of the debate, made it impossible that he should remain altogether silent. He regarded the occasion selected by his hon. Friend, the Member for Limerick, for bringing forward the present motion, as peculiarly inappropriate. Was it not obviously inadequate to meet the emergency?—as a remedy, totally insufficient for the evil it professed to deal with? Was it when an organised and revolutionary agitation was spreading dismay and danger throughout the whole of Ireland, that they were to be invited to go into a committee, for the purpose of calmly inquiring into and discussing theories and abstract principles, and suggesting remedies for alleged and imaginary grievances, which would consume the remainder of the Session, and about which, in the end, probably no

two Members of the committee would hold the same opinion? As rationally, if a patient were in the ravings of a brain fever, where the symptoms were undoubted, the danger imminent, and the only question the most prompt and immediate remedy, would his attending physician demand a consultation of doctors upon some chronic disease under which the patient had previously suffered, and in respect to the causes of cure for which no two of them would be likely to agree—In the hon. Member's enumeration of the grievances under which Ireland was suffering, he omitted the master grievance of them all—namely, the interested agitation, which then distracted that country—and necessarily put a stop to every public or other improvement. He could not help thinking, likewise, that the sentiments to the expression of which the motion had led in that House, and particularly the speeches of some of the Members of the late Government, and that of the hon. Member for Sheffield, instead of allaying, must have a tendency to excite that agitation. In words, certainly, the hon. Member for Sheffield denounced the repeal of the Union, but what of that? When noble Lords and hon. Gentlemen of high station and political position in this country countenanced by their speeches the empty pretext that the grievances set forth were the real cause of the agitation then practising in Ireland, under colour of petitions for repeal of the Union, they were impliedly and practically encouraging it. The condition of Ireland in many respects, but particularly its social condition, was painful and distressing. God knew he, and every man who had an interest in that country, must desire to ameliorate it; but agitation, and the party politicians to whom he had referred, were constantly marring every effort at practical measures for that purpose. A most unfair construction, he thought, had been put upon the observation of his right hon. Friend (Sir J. Graham), that concession had gone to its full length. So it had, in putting all parties and creeds on an equal footing in regard to civil rights. Hon. Members opposite, were very inconsistent in objecting to that observation, and at the same time repudiating, as they did, at other times, the term "concession," as derogatory to men who claimed equality with their fellow-subjects, and enjoyed that equality. He was at a loss to understand

the hon. Member for Kildare, when he said, that virtually the Roman Catholics had not enjoyed the benefit of the Roman Catholic Relief act. When the proportion of Roman Catholics appointed to professional and other offices in Ireland was referred to—it should be recollected that they bore a small proportion to Protestants in the higher and educated classes—and, as regards a Conservative Government, that a still greater disproportion existed between the Roman Catholics in professions who opposed them in politics, as compared with those who supported them. The hon. Member, (Mr. O'Ferrall) adverted to the Irish Municipal Reform act as "scanty and bigotted," and offensive to the Roman Catholics. If ever public man was maligned and unjustly vituperated—he had been for the humble part he had taken on that measure—not because the act was narrow-minded, and bigotted, and offensive to the Roman Catholic party, but exactly the reverse. He had done what he believed to be right—and, therefore, he had not been moved by the abuse and vile accusations that had been levelled against him—but still it was rather hard for those on the other side to turn round and say that a very great concession had not been made to them by that Municipal act. The distinction between the English and Irish municipal franchise was founded not upon religion, but upon the more unequal distribution of property in Ireland—and the admitted fact that nine-tenths of the property of the country was in the hands of the Protestants—and could any reasonable man deny that under the Irish Corporation act, property was inadequately represented? It was, moreover, true, that Ireland had been rapidly progressing in improvement. Her internal resources were being opened. Capital was flowing into the country, railroads and other useful public works were commencing—an improved system of agriculture—new encouragement for industry, and a more profitable application of labour, were being introduced; but as "*Inter arma leges silent*," so in the midst of agitation and an unsettled state of the public mind, national improvement was stayed. But, after all, what were the practical grievances complained of by the hon. Gentleman who had just spoken, and others who had preceded him, or what the practical remedies suggested for their removal?



Why, they had again served up the reiterated, and one would have thought, threadbare grievance of the appointment of his learned Friends Baron Lefroy and Judge Jackson. In the opinion of the Whigs, Ireland could not be well governed, unless the Whigs remained perpetually in office. In one of his last speeches, however, Mr. O'Connell said,

"When the Tories had done, then came out the Whigs upon us, who made the state of Ireland, a prolific subject of self-gratification, and declared it was they who kept Ireland quiet. 'Let the Queen,' say they 'turn out Peel and bring in Russell, and all will again be right.' Bah! you might put the Whigs and Tories into a bag together, and having shaken and tumbled them promiscuously, you might spill out the contents of the bag, and, from the first man shaken out to the last, neither was friend, Whig nor Tory, to Ireland."

The relation between landlord and tenant was another ground of grievance that had been much relied on. He did not dispute that there were many difficulties connected with that subject in Ireland; but he doubted if legislative interference could solve them; and he was sure that the monstrous doctrine of "fixity of tenure," as it was called, but confiscation of property as it meant, which had been lately broached, tended incalculably to increase them. There had been of late a great attention to their estates, and to the comfort and improvement of their tenantry on the part of the Irish landlords, and a confidence was growing up between them which it was most desirable to cultivate, but which such a doctrine must inevitably destroy. Some of the suggestions of the hon. Member for Kildare were deserving of the most respectful attention. There was one, however, which, he could not avoid expressing his dissent from—he meant that of making the tenant-right—as it was called in many parts of the north of Ireland, where, happily, it existed in practice—the law for the south and other parts of Ireland. Such a custom was highly honourable to both parties, where it grew out of mutual confidence and generous feeling; but it could not be forced—and he feared that the attempt to enforce it by law would not only fail elsewhere, but have a tendency to check the present salutary practice in the north, the essence of which was its free and voluntary character. He deprecated any observation in that House in any degree countenancing the doctrine of fixity

of tenure, as construed in Ireland which had a most injurious effect upon the minds both of Irish landlords and tenants at the present moment. He bore testimony to the worth and honor of the landlords. If, however, he might be permitted to draw a very plain distinction between the landlords as a body of men, and landlordism as a system, while he maintained that in the former point of view there was no inferiority, he would admit that in the latter this country was vastly superior to Ireland. In Ireland, as compared with this country, the number of resident landlords was lamentably few, and their wealth less in proportion—as, in a regiment of public department, the officers might not be a half or a fourth of their proper complement, in which case, the body would certainly not be as well officered. Still, the officers individually, as far as they went, might be fully as good and efficient. So it was with the landlords of Ireland. Unhappily the present unchecked agitation was calculated to make them both fewer and poorer. The Irish church had also been introduced into this debate by the hon. Member for Sheffield, as well as in other recent debates on the state of Ireland, as the monstrous grievance of that country. He deeply regretted the introduction of the topic. Whatever might have been felt by the occupying tenantry before, since the church had taken upon itself the payment of church-rates, and the law had transferred the tithe from the occupier to the landowner, nine-tenths, at least, of whom were of the established church, it was unreasonable to say that any practical grievance was felt by the occupier. The Irish Church had ceased to be a profitable item in Irish agitation. It was said the landlord had put a fourth into his own pocket. He, on the contrary, held that, upon an adjustment which, on the whole, was equitable between the land-owner and the tithe-owner, that was a mere consideration for the transferred responsibility on one side, and the additional security on the other; but, so far from the landlord, he believed more generally it was the tenant who gained, as in most cases the landlord did not charge him with the tithe; and justly, as he believed, for the value of land had fallen about the same time; and, considering the general high rate of rents throughout Ireland, the just and prudent landlord had regarded the

amount of tithe not as an unreasonable allowance to make the tenant, by way of deduction. To raise again the question of disturbing the rights of the Established Church in Ireland, was only to embitter the present strife against property, and the law in that country, by greater religious animosity. If his Roman Catholic countrymen were not satisfied with that civil equality which he (Mr. Shaw) had considered it ungenerous to withhold from them, but, further, sought the subversion of the Protestant Established Church in Ireland—that must necessarily lead to jealousy and distrust. He could understand this, with gentlemen who, like the hon. Member opposite, the Member for Bath, objected to any connexion between church and state, and only regarded church establishments as matters of police or mere state convenience. But, surely, they did not expect that, practically, any part of the United Kingdom could be left without an Established Church, or that it was possible for any British Government to establish the Roman Catholic Church in Ireland—as the hon. Member for Sheffield proposed that night. It was the fashion of some hon. Members to speak of the Irish Branch of the Established Church as unemployed and wealthy; but it was the very reverse. He did not believe there was on the face of the earth a body of clergy, of not only sounder doctrines and greater piety, but of more exemplary practice or more practical usefulness, than the clergy of Ireland; or, as a body, so little liable to the charge of sinecures, non-residence, or pluralities. If no higher ground was taken than that of the moral and social condition of the country, where the greatest evil was an absentee proprietary, how could you on such cheap terms as about 400,000*l.* a year, for mere secular and social purposes by any other means obtain a body of resident gentlemen amounting to about 2,200, which was about the number of the Irish clergy, including curates. They had incomes on an average of about 150*l.* a year each, which were spent not on the luxuries of life, but on the necessities supplied by the industrious class of the surrounding neighbourhood, and a larger proportion, he did not hesitate to affirm, than of any other equal amount of income in the country, was devoted to relieving the necessities of the poor and destitute. Ask the poor Roman Catholic population of

any district in Ireland who were among their best, and kindest, and most liberal neighbours in sickness and adversity, and they would tell you, the Protestant clergymen and their families. Those who spoke lightly about the subversion of the Established Church in Ireland would find it a matter not of such easy accomplishment as they seemed to anticipate—that the members of that Church were not contemptible in numbers, and that they were powerful in property, intelligence, influence, and determination. He meant no threat, but he sincerely and seriously said that the feelings of devotion of the Protestants of Ireland to their Church could not be safely trifled with, as if occasion arose they would be found ready to spend their properties and their lives in its defence, and that the continuance of the Protestant Established Church in Ireland was not only a fundamental article of the Union, but that the Protestants of that country had ever regarded the Union and the Church as integral and essential parts of one system, and that they must stand or fall together. The hon. Member for Sheffield said, the Union could not stand unless you subverted the Church; he (Mr. Shaw) joined issue with the hon. Member, and affirmed that the Union could not stand unless the Protestant Church in Ireland was also upheld. It was said, that he wished favour to be shown to what was termed the Protestant ascendancy party in Ireland. He utterly denied it. He wanted favour to be shown to no party, but justice and impartiality to all; an equal administration of the laws, and no civil distinction on account of creeds. All he asked the Government was, neither to show favour to their supporters nor fear to their opponents—to be just, and then not to fear the taunt of injustice—to have the courage to do right, although they might be unjustly accused of doing wrong—to be influenced in matters of law and justice neither by a desire to please friends nor to conciliate enemies. But while acting with moderation and due forbearance, still with a firmness becoming a strong Government, to uphold the law and under it to give a protection which it must be confessed was not experienced at the present moment in Ireland to the public peace, and to the properties and comfortable existence of the peaceable and well-disposed subjects of the Queen of all



classes and creeds in that part of her Majesty's dominions. He wished to avoid all vague and uncertain charges or insinuations against her Majesty's Government. As a political partisan all his feelings were with them. But there were times and emergencies when party and political feelings must yield to higher considerations. The fact was, all rational men in Ireland, no matter what their party, felt at the present moment, that things could not continue as they were. The multitudinous and organised meetings, assembling from day to day in different parts of the country, stopping trade, closing the doors of business, suspending all ordinary occupation, disturbing every relation of society, and exciting tens and hundreds of thousands of the deluded peasantry to forsake their daily labour and move about the country watching for some great movement or extraordinary occurrence—such assemblages, he said, no reasonable man could doubt, were dangerous to the public peace and good order of society, and must inspire with terror the peaceable inhabitants of the localities where they occurred. He did not hesitate to declare that they were illegal. He wanted no coercion bills; but he did expect, and the public had a right to expect, that the Government would uphold the existing law, and not suffer its spirit and its letter to be violated; and yet they had permitted these meetings to go on. Take as a specimen the last, held near Dublin—perhaps, the least dangerous from its immediate vicinity. On Monday last, the following were some of the sentiments addressed to what was said to be a meeting of 200,000 persons—the numbers were probably exaggerated, but still there was a vast assemblage of excited and unreasoning adherents of the hon. and learned Gentleman, the Member for Cork. Mr. O'Connell said:—

“I have more strength—more physical power—than ever monarch commanded or general led. We shall have our country to ourselves. The British army quailing before us. What! go to war with us. Bah! We will not attack anybody; but we hurl defiance against anybody that comes to attack us. We have abashed Wellington and cowed Peel.”

And then speaking in vituperative language of Sir J. Graham and Lord Stanley, the hon. Gentleman added:—

“We defy them all. This is a majestic struggle, to strike off the dominion of the foe and the foreigner.”

Meaning thereby the English nation. Mr. O'Connell continued:—

“I wish you to disperse, but not until you have proclaimed that you will die to the last man of you, rather than live the slaves of oppressors. They call you my troops. Europe has heard our complaints and so has America. Yes, America has heard of our wrongs and our sufferings, and they are ready to assist us. The Association meets to-morrow, and on that occasion I'll hand in from America 1,125*l*. I do not care now what England does, I am for repeal—live or die.”

This might be very absurd, if uttered in that House, but was fearfully dangerous when addressed to the multitude in Ireland. He could assure his noble Friend (Lord Eliot) and every Member of the Irish Government, that he entertained for them every personal respect and good will; he appreciated the courtesy and the high and honourable bearing of his noble Friend, but his noble Friend must not be offended or surprised if courtesies and compliments were laid aside, when men felt their properties, their families, their friends, their all to be at stake, and if his noble Friend, and those with whom he acted in the Irish Government, would stand with folded arms upon what was that night called the “do-nothing system,” and look on quietly at such agitation as was then disporting itself in Ireland, on the very brink of outbreak and revolution, when the slightest casualty, an intemperate word, a hasty expression, or premature sign on the part of the leaders of that movement, might precipitate the whole country into a depth of outrage, and bloodshed, and ruin, which no human eye could fathom. Then the Government must not wonder if the loyal and peaceable subjects of the Crown felt uneasiness and alarm, and a want of that confidence which, under the present circumstances of Ireland, a firm Government and vigorous administration of the law could alone inspire.

Mr. Macaulay: Mr. Speaker, the right hon. Gentleman who has just sat down commenced his speech in language presenting, I think, a somewhat singular contrast to its close. He began by saying, that he conceived it a sufficient reason for voting against the motion that he should thereby imply a want of confidence in the Ministers; and he closed his speech by declaring, in language not to be misunderstood, his own want of confidence in them. And in truth I have seldom heard a Go-

vernment less efficiently defended in debate (I speak of this evening), for every Gentleman who has addressed himself to the question before us, whether on the right or the left, Sir, seems to me to have directed his attack—though not always has it been upon the same ground—against the policy pursued by the present Administration. I say, every Gentleman who has addressed himself to the question, for the speech of the hon. Member for Belfast was merely a speech against the Repeal of the Union. The noble Lord, Sir, the Chief Secretary for Ireland used an expression much resembling that with which the right hon. Gentleman the Member for Dublin University commenced his speech. He said, this motion must be considered as a motion of censure on the Government. I confess that on some grounds it must be so considered. I do not think it the only object—that of throwing censure on the present advisers of the Crown; but although it is not the principal object of those who support the motion, I cannot consider it as a reason against our supporting it, that it does by implication throw a censure on her Majesty's present advisers. For I am come, Sir, to this deliberate opinion, that to their conduct in opposition, and to their conduct since they came into office, we do really owe in a great measure the difficulties with which we have now to contend; and it is also my opinion, that since those difficulties arose they have not shown any disposition to meet them with wisdom and with justice; and, finally, that so far as I can judge from the declarations they have made respecting the policy that was expected from them, we have to anticipate calamities even worse than those which they have already encountered. I am justified, Sir, in saying, that the present state of things which so justly alarms all men of all parties is, to a great extent, to be attributed to the part they pursued before and since they gained the reins of power. Sir, it is impossible for us not to remember that two years ago the repeal agitation did not exist; that from 1835 to 1841 the agitation for repeal did not exist in any formidable form; that during the whole administration of Lord Normanby and of Lord Fortescue, Ireland was in a situation in which I firmly believe the present Ministry would gladly see it again; that whatever expressions may have been used by Mr. O'Connell—a very able speaker certainly, but not the most consistent speaker—not a speaker from whom the expres-

sions that drop one month can be deemed any indication of what he may utter the next—whatever, I say, the expressions made use of by Mr. O'Connell in addressing large crowds, the fact undoubtedly is, that in the years during which Lords Normanby and Fortescue administered the Government of Ireland, that country presented a most marked contrast to its present position; nay more, I have upon this subject the distinct admission of the right hon. Baronet at the head of the Government himself, that there is something in his position and in the character of the party of which he is the head which places his Government in Ireland under peculiar difficulties. We cannot have forgotten that in 1839 the right hon. Baronet declared that the difficulty which he felt principally stood in his way, when at that time called to power, was Ireland. It was not the colonies—it was not the foreign affairs—it was not the finances—no! But, said the right hon. Baronet, "I will be frank. I will not attempt to disguise that the main difficulty of my position is Ireland." The right hon. Baronet judged rightly. Undoubtedly it was so, and it is so; and why was it so? and why is it so? The right hon. Baronet felt it then; he had still stronger reason to feel it now. What was it? Was it not because in that party, of which the right hon. Baronet is the head, was to be found every person who had made himself justly obnoxious to the people of Ireland? Was it not because in that party every man was to be found who had always been—as far back as memory could go—on the side of the few against the many? Was it not that in that party every man was to be found whose peculiar delight had been in the contemplation of such parts of Irish history as showed the traces of severity—perhaps severity that could not be contemplated without pain, and that spoke of victories that should have been followed by no triumph? Was there not to be found in that party every man whose favourite toast and tune was something odious to the great body of the Irish people? Was there not to be found in that party every man who had been obstinately opposed to Catholic emancipation? or who had been among the last lingering yielders of slow, reluctant, ungenerous concession? When at last public danger rendered it impossible to hold out any longer, was there not to be found in that party every man who did his utmost when emancipation had been yielded to



prevent its being carried into effect? every body who cried out against the first appointment of an Irish Catholic Privy Councillor—every body who exclaimed against the appointment of a Catholic Secretary to the Admiralty or a Lord of the Treasury? Was there not to be found in that party every creature who let loose his virulent tongue to call the Irish Catholic preachers “priests of Baal?”—every scribbler who termed them “surpliced ruffians?” Was there, in fact, a single one of those whose efforts had long been directed to rousing up against himself and his party the aversion of the Irish people, who was not to be found among those who followed the right hon. Baronet and raised him to power? And the right hon. Baronet must have known the feelings of the people of Ireland. He must have known that however cautious, careful, and correct his own language and proceedings may have been, that he stood at the head of a party which had long wantonly outraged the feelings of the Irish people, and must be obnoxious to them.” Well, Sir, such was the position of the right hon. Baronet in 1839. Circumstances occurred which kept him from power for two years longer, yet many signs and symptoms seemed clearly to show that he, and the party of which he is the head—as his abilities unquestionably entitle him to be—would probably, at no distant day, occupy their present position; and I should have conceived that any wise men and any patriotic men—nor is the right hon. Baronet destitute of wisdom or patriotism—I should have thought that, under such circumstances, any wise men, and any prudent men, and any patriotic men, having a strong sense of the difficulties that lay in the way of their administration of affairs in Ireland, through the hostile feelings that had been roused against them by their friends, would have employed the remainder of their time on this side of the House and have done their best to conciliate the attachment of the Irish people. Instead of that, the noble Lord the Member for North Lancashire, who then acted with the right hon. Baronet, now a Member of the Cabinet, in the next year introduced his bill for disfranchising the Irish people under pretence of registering their votes. It is hardly necessary for me, Sir, to say anything of that bill, after what has been done with it by its authors themselves; but at the same time it is impossible not to look upon the history of that year and the following one,

as to the position of the party now in power respecting Ireland, and above all comparing it with their professions, their declarations, and their protestations. The noble Lord asked the Government if they mean to bring in a measure to correct the evils of the registration system in Ireland? He declared the evil pressing—the morality of Ireland endangered! Are you not, the noble Lord impatiently said, prepared to avert the danger? to meet the evil? The answer of the Government was, that they were not at present prepared to bring in any such measure; then, I said, the noble Lord will bring in a bill. The bill was brought in, but it was no sooner examined, than it was condemned by almost every Member for an Irish constituency. All, with one voice, declared it to be, though called a measure of registration, a measure of disfranchisement. Unjust and odious as it was, however—offensive as it was to the pride and keen sense of wrong of the Irish people, the bill was pressed forward night after night. I never saw, or heard, debates carried on in so vehement and contentious a spirit. I have never known a minority (it became soon a majority) so well trained and disciplined. My hon. Friend, the Member for Halifax, tried to throw an impediment in their way. He said, “Do not legislate for the Irish voters till you have legislated for the English.” He made a motion to that effect. “No,” said the noble Lord (Lord Stanley), “the cases are not parallel; there are no evils of this kind in England, they are not to be met with except in Ireland—there they are so rank that they must be put down—delay would be too dangerous; you cannot—must not, wait for English legislation. Public morality is endangered—perjury is the prevailing practice. This is not a mere question of details, of registration, or revising barristers; a great State crisis is here—a great principle is at stake;” and the noble Lord forced on his measure. He overruled the motion of my hon. Friend the Member for Halifax. He was determined to carry it before the English measure on the subject was brought in. The bill, however, did not pass in that Session, and in the ensuing Session the noble Lord came down again with his favourite measure. The Government interposed, and said they thought it premature to legislate with respect to the registration of electors till they had defined the franchise. Again the noble Lord said, “No! it was not necessary to define the franchise:” and again

the noble Lord pressed on his disfranchisement bill, as it was justly called. Well, the plan prospered; the delusion—not the first of unfounded delusions prevailed; the noble Lord succeeded—he and his party are in power; two years have elapsed, and this great moral evil is yet unabated! We now hear, nothing of “perjury;” nothing about those enormous frauds of the people of Ireland, which had long been polluting the Legislature! We ask, “Where is the bill?” We are told, “The Government desire first to settle the English franchise.” We agree in the propriety of that; but why was it not assented to by the party opposite when we proposed it? Then, again, we are now told, forsooth, that “when the measure is looked into, it is found to be a measure of disfranchisement.” True. But were you not told so before? Was it not proved to you over and over again, and that in the clearest manner? We are now told that we are to have a Registration Bill, with a franchise defined, based upon the poor-rate. [Lord Stanley: The franchise was not defined.] It was, at least, an alteration of the Reform Act. The right hon. Baronet (Sir J. Graham) said, he was pledged to William 4th, or somebody else, not to alter the Reform Act; yet he voted in favour of a bill ostensibly to regulate the registration of voters in Ireland, but which absolutely altered the Reform Act in its spirit and efficacy, and placed the franchise on an entirely new basis. The right hon. Baronet and his friends now speak of the responsibility of office; but has an opposition no responsibilities? Have men who have ruined the country whilst sitting on this side of the House, no responsibility when they go over to the other. An opposition, Sir, has responsibilities; and I should blush if I did not show, in my own conduct, that I am not unmindful of them. But the noble Lord, as soon as he finds the responsibility of Government lie at his own door, will not venture to do an act which, from its great unpopularity, when he was in opposition, he attempted with no other object than to obstruct the Government of the day. By all these and similar means, you (addressing the Ministers) were raised to power, and do you suppose there is to be no reckoning for such conduct? Happily, yes. As political as well as private probity is the best policy, your time of retribution was to come, and by the course you then took, a deep distrust was generated in the minds of the

Irish people. I was surprised that it did not come sooner, for undoubtedly, from whatever cause it arose, there was a lull, and a doubt how you would act. A notion got abroad that something great was to be expected from the Administration, but the very mode in which the right hon. Baronet formed his Irish Ministry, showed on what principles the Government of that country was to be conducted, and upon those principles it has been conducted ever since. After the lectures he formerly read to us on the inconvenience of open questions and discordances in the Cabinet, I own I was surprised at the formation of his Irish Administration. He told us over and over again formerly of the evils resulting from joining in the same Government individuals whose opinions were decidedly hostile; but what did he do when he came to form his Irish Ministry? With regard to a Secretary, I am bound to say that he made the very best choice in his power; but one thing made me wonder, and that was the manner in which the right hon. Baronet dwelt upon the excellence of that appointment, for he made it appear the peculiar and eminent fitness of the noble Lord (Lord Eliot) arose out of the votes he had given against the right hon. Baronet. This was rather a curious ground for a Prime Minister to take when pronouncing a panegyric; but then, in direct defiance of his own doctrines, the right hon. Baronet pairs with the noble Lord a Gentleman of whom I desire to speak with all respect, and who privately deserves to be so spoken of, who certainly was taken from the other extremity of the party. It was impossible, perhaps, to find two men whose views with regard to Ireland were so diametrically opposite as those of the noble Lord and Mr. Sergeant Jackson. The very first debate upon education exhibited the very best Parliamentary set-to between the Secretary for Ireland and the Solicitor-general for Ireland, that was perhaps ever witnessed. We had the whole of that side of the House vehemently cheering the Solicitor-general, while the unfortunate Secretary was obliged to content himself with the approbation of this. In fact, no more direct and obvious opposition could have been established than that which existed between the two managers of different departments of the Irish Government. And this has been from first to last the whole system; but I will do what justice I can to the right hon. Baronet and his Colleagues, and I will say for them that I be-



lieve they have governed Ireland as well as they could for very shame. They had no choice but either to act with the most glaring inconsistency, or to govern Ireland ill; they have boldly faced the charge of inconsistency; the recantation on the subject of the Registration Bill, must have been bitter indeed to the noble Secretary for the Colonies; but the system was to be carried through, and the recantation must be made. The same system has pervaded your whole policy. You take up a certain plan of national Irish education; your Solicitor-general attacks it with the greatest virulence—you make him a judge; you place on the Episcopal bench a Prelate known to be opposed to it. You talk of impartiality in the distribution of appointments, and yet you place in the very highest offices persons, however respectable, who must be regarded by the people of Ireland with the utmost enmity and distrust. What is the natural effect? Your friends are cooled—your enemies are not conciliated; you may learn this fact from the whole Orange press, if you will not take the word of your supporters; and in a very short time the spirit of hostility has grown up to a height never before equalled in Ireland. At this moment the language of every man of every party is, that we have arrived at a most formidable and alarming crisis; on one hand you are reproached for not conceding with alacrity, and on the other for not coercing with vigour. Out of your own circle, not a man in the country, in Parliament or out of Parliament, speaks of your Irish Administration with the slightest confidence. Nobody supposes that this repeal agitation can go on from year to year without some decided measure; and what has been the distinct intimation from the highest authority—from the Home Secretary, who is in fact the chief Minister for Ireland, when the Secretary for Ireland is not in the Cabinet? He has declared that concession has been carried to the utmost. True it is, that an hon. Member this night has endeavoured, in some manner, to explain away those words; but even he could not have explained or defended what followed—I do not mean to lay any stress upon expressions which the right hon. Gentleman (Sir J. Graham) himself explained: I merely speak of that which he avowed in the clearest manner—which he did not attempt to retract; he told us almost in as many words, that he repented all he had done towards Catholic emancipation; he had

supported it, he said, in consequence of hopes which had not been realised, while the prophecies of the right hon. Member for Tamworth in 1817 had been too completely verified. He recanted all his opinions on this subject in words as clear as any he could employ; the best part of his political life has been wasted upon an object he regrets to have attained, and all he has now to do is for the rest of his time to live and repent. We must, therefore, understand from the Government, that conciliatory policy is at an end; concession has been carried to the utmost, and the right hon. Gentleman is sincerely sorry that even Catholic emancipation was granted. I do not mean to state that he said anything to show that he would support the repeal of the Emancipation Act, but if words have a meaning, his words clearly showed that he repented it had ever been passed. In my opinion, some of the discontent in Ireland arises from causes which legislation cannot correct; but it seems to me that the present extreme violence of that feeling has been produced by the misconduct of the party in power, both at the time they came into office and afterwards. Their difficulties being so great, Ministers appear to have made up their minds to this, and this only, that all their actions shall be on the side of coercion and severity, and that they will do nothing in the way of kindness and conciliation. On the subject of the Arms Bill I have no extravagant feeling. Although I have voted for an Arms Bill in Ireland, yet, as a general rule, I believe it to be a most inefficient measure. I say this, not from an observation of Ireland alone, but from conversing with men of great experience in other parts of the world. Men of great military and political abilities in India have universally told me that disarming orders invariably produced this effect, that they took away arms from the well-affected, and left arms in the hands of the dangerous. At all events, you cannot deny that you have introduced into your Arms Bill irritating clauses which can have no value in enforcing its provisions. Then, look at your executive measure—your dismissal of magistrates. You could not dismiss them for reasons which I, for one, should not have censured, but you must dismiss them on the most unconstitutional grounds you could discover. You could not dismiss them without even violating the privileges of this House. You have a Chancellor talking

about speeches in this House, with no official declarations, and, in fact, amounting to this—that whenever a Minister of the Crown declares against a measure every man must be turned out of the commission who opposes it. I know, that the Lord Chancellor of Ireland cannot seriously maintain such a proposition; but what can we think of a Government, which ought to be the most cautious of any, adopting the acts of that learned Lord—acts of the most grave nature—for the turning of a magistrate out of the commission of the peace, is one of the strongest measures, and one in which the strictest adherence to form is absolutely necessary? A wise Government, would not have coupled itself to any measure, adopted by any of its officers, however high in station, if the recognition of his acts involved a breach of the privileges of the House. No wise Government, Sir, would have adopted such acts, which must have been done in haste, because it is only telling every magistrate in England that he must not give expression to any opinion hostile to any act of Parliament which the Government of the day stated in their place in Parliament must be maintained inviolate. Sir, it may be thought that I dwell too much upon these two solitary acts, but I must be permitted to remind the House, these are the only two acts which you have opposed to the agitation, which Mr. O'Connell did not overstate when he said all Europe, as well as America, was looking to it with deep interest. It is on that point, among others, that I differ from Government. I do not think that concession has been exhausted—I do not think that we have arrived at the end of our resources proceeding on a conciliatory policy. As to the Repeal of the Union no man has expressed, or can express, feelings so strong that I would not concur in them. I am persuaded that it is utterly impossible to have two equal and independent Legislatures under the same Sovereign. If there are any appearances in history to the contrary, they are delusive. Down to 1782, the English Parliament legislated for Ireland, and subsequently to that period, Ireland was governed, first, by corruption, and afterwards by the sword. I do not believe that the hon. Mover was borne out when he reprehended the right hon. Baronet for saying that he would prefer war to a dissolution of the Union. The question is not between dissolution on the one hand and war on the other, for

in my opinion war must inevitably follow dissolution. I have already said that legislation can afford no relief to some of the evils of Ireland. One of these is absenteeism, and as to fixity of tenure, I would rather be a learner than a teacher. Some of the projected measures of redress would be useless, and others would be mere confiscation, and to confiscation I would never give my consent. Nevertheless, I am not prepared to say, certainly not after the debate of to-night, that much may not be done in the way of legislation to improve the relations between landlord and tenant; but there are legislative and administrative reforms perfectly in your power. It is possible for you to correct the manner in which public patronage is bestowed. I do not say that I would give Parliamentary offices to Members who were opposed to the Government, but you stand in Ireland in this position, that you would find it difficult to promote persons who have been your hearty and zealous friends, and who would not be regarded with dislike and distrust by the Irish people. For what you have hitherto done amiss you must now suffer penance, and the penance is the bestowal of your patronage upon men who have not been your general supporters. In my opinion that is a very light penance too, when we look at such cases as those of Mr. Lefroy and Mr. Sergeant Jackson, who were rewarded for what they did in your service. The refusal to bestow patronage without regard to mere political claims may be a good reason why you should retire from office, but it can be no reason why Ireland should be mis-governed. You say that you mean to settle the elective franchise on a new basis, and next year you must come down with a new bill to inform us who are and who are not to be electors; in that measure you may adopt a conciliatory course without the slightest hazard to the public peace. Let us consider our situation; we are beyond all teaching, if the experience of the last few weeks has not taught us that a formidable Irish leader is much more formidable out of the House than in it. The measure of registration is studiously kept back from an uneasy feeling: if it turn out to be like your former measure of this kind, it cannot but excite the strongest opposition, and the most angry feelings; but we cannot expect from you a truly fair and liberal measure, since it would expose a vast system of delusion. Yet why should you hesitate? You have already commenced



your course of humiliation; you have already drank of the cup, and the best thing you can now do is to drain it to the dregs; if it be bitter, remember you mixed it for yourselves. One subject I must speak of—the situation of the two churches with relation to each other. Without any advice from the right hon. Member (Mr. Shaw) I should carefully have abstained from aspersions upon the characters of individuals, and from expressions as to the institutions which might be considered abusive or scurrilous; but let any Gentleman take any of the celebrated defences of the establishment, whether by its greatest, ablest, and uncompromising advocates, Warburton or Paley, or by names of smaller note, and if he can make out anything like a case in favour of the present Protestant establishment in Ireland. I will at once give up the question. Is it not the plain and great object of a church to instruct the main body of the people? Is it not its first duty peculiarly and emphatically to instruct the poor? If any person attacked the church establishments of England or of Scotland, would not its vindication at once be rested upon the point, which, above all others, contrasts it with the church establishment of Ireland? Is not the whole evil of the voluntary system to be found in the present state of religion in Ireland? Does not Hume tell us, in a passage quoted on a former evening by the hon. Member for Bath, that it is of the highest importance to the State to connect the State with the priesthood, who teach the great mass of the people, which priesthood might otherwise exercise an influence dangerous to the civil power? Can any body deny that the evil of a want of connection exists in the highest degree in Ireland? If then, your Protestant church in Ireland possesses also all the evils of the voluntary system, is it not something strange and startling to be told that it is an institution sacred and inviolable? The arguments seem to resolve themselves into this:—That six or seven millions of Roman Catholics are compelled, in the year 1843, to acquiesce in the degradation of their own religion, and submit to the Protestant domination of one million. Let me, however, be distinctly understood. I do not say that it would be necessary, or even that it would be desirable, to subvert and utterly to destroy the Protestant establishment in Ireland. I would preserve vested rights inviolably, but it is necessary that the church should be reduced to a strict

proportion to the wants of the Protestants. Everything it is now in the power of the Government to do should be done for the purpose of putting the two religions on a perfect equality in point of consideration and dignity. I believe that this would be found a most beneficial and useful reform, and we have in favour of it an instance the best that all history can supply. The right hon. Member for Dublin University told us that if the Church and State were dis severed in Ireland, there would be an end of the Union in two years; but it is natural and proper that we should look at the other instance of a legislative Union, which presents itself at once to our eyes, and which is strictly analogous. When Scotland was united there were circumstances which indicated that it would not be more permanent than the Irish Union; it was effected after long, and violent, and bloody hostilities, there was also a case of disputed succession, and the language in the Highlands was as different from our own as that prevalent in many parts of Ireland. Forty-three years have elapsed since the Union with Ireland, and why, after forty-three years had elapsed since the Union with Scotland, was there not as much danger of its termination? Why was there no agitation—no disturbances? There were plenty of causes of dissatisfaction and circumstances that seemed to favour a project for severance. There was Lord Bute's administration, Wilkes's election, violent political contests, much satire, bold invective, but no movement, no mobs in favour of disunion, nor the speech of a solitary agitator in favour of Repeal. One of these Unions has turned out the most happy and the most firmly established that was ever known among men, while in forty-three years after the Union with Ireland we find millions of men throwing out the loudest and violent aspersions upon that measure. Is it not, then, natural to look a little at the principles on which the two Unions were established? As far as regards representation, Ireland has the advantage, for Scotland was allowed a much smaller number of Members; but when the Union with Scotland was effected, the great Whig statesmen, Somers, Halifax and others, succeeded in inserting a clause containing a full recognition of the religion to which the people of Scotland were fondly and firmly attached. If the Union with Ireland had contained a similar wise and just provision, it is my belief that we

should not have heard a murmur against it, and that it would have been as invariably maintained as the Union with Scotland. I am persuaded that it is still in your power to repair to a great extent this great omission in the Irish Act of Union. Like the hon. Member for Mallow, who so ably addressed the House this evening, I did not wish for the predominance of the Roman Catholic religion; but I do wish to see the Protestant and Roman Catholic religions equal in dignity and in honour, and that to neither should any ascendancy be given. I believe that if this course had been taken at an earlier period, a great calamity might have been averted, and, I believe, that by taking it still the evils by which we are surrounded may be avoided. I wish I could entertain any hope that the present Government is about to adopt such a salutary policy; but at all events it will be some satisfaction to me to mark by my vote, that although the discontent in Ireland is partly attributable to the delusions of demagogues, and partly to causes which legislation cannot correct, yet that it has been inflamed to its present height by a system of unjust and injudicious Government, and that by adopting a sound and wise policy it may yet be allayed.

Sir J. Graham: Sir, before proceeding to address any observations to the House upon the subject immediately under discussion, I am anxious to avail myself of the earliest opportunity of referring to a topic introduced by the hon. Member for Kildare. That hon. Gentleman asserted to-night that on a former occasion I offered to him and to others of the same religious opinions as himself, an intolerable insult. When a gentleman of his calm judgment, of his spotless honour and high bearing, declares that anything which fell from me was regarded by himself as an intolerable insult, though I am not conscious of having used any expression justifying such an interpretation, I cannot fail to express my deep regret that I should have been so far mistaken as to induce the right hon. Gentleman to think I meant the slightest insult to any of my Roman Catholic fellow subjects. I thought what I said at the time upon this point had been received as an ample apology; but since an appeal has been so directly made to me, I may be pardoned if I express my personal feelings towards gentlemen of that persuasion. From my earliest years I have lived upon terms of the greatest friendship and intimacy with

several Roman Catholics, I have placed in them the most implicit confidence; and I feel for them the highest regard and esteem. Notwithstanding the taunt of the right hon. Member for Edinburgh, who said he supposed I was now disposed to view with regret the part I took in supporting the Roman Catholic claims, although I cannot retract what I said on a former occasion, that I supported those claims under hopes and expectations which have not been realized, the right hon. Gentleman does me injustice if he imagines that I lament the part I took upon that great question. I do not hesitate still to declare that I am a warm and sincere advocate for the full and free enjoyment of a perfect equality of civil rights by my Roman Catholic fellow-subjects. The hon. Member for Kildare asked if Gentlemen on this side of the House could lay their hands on their hearts and say that they did not view the appointment of Roman Catholics to offices of trust and confidence with great disfavour? Speaking for myself, and I believe for the great majority, if not the entire body of Gentlemen on this side of the House, I say that emancipation being now the law of the land, we see without regret or jealousy, Roman Catholic Gentlemen of station, education and acquirements, and who are in every respect capable of filling the highest offices with advantage to the public, admitted to a full participation in the patronage of the Crown. If there had been any doubt on that point, I may say without flattery (which I despise), to the hon. Member for Kildare, that the manner in which he filled office under the late administration, evinced the propriety of entrusting Roman Catholics with offices in immediate connection with the executive Government. There has been another, I will not call it misrepresentation, but erroneous interpretation of an expression that fell from me on a former evening. Here I must remark that there is some spirit of word-catching on the other side, and it shows to what extremities hon. Members are driven when they carp at the use of the word "concession," as it was employed by me. Why, the hon. Gentleman opposite himself, talked of "granting claims." Now, where is the difference between granting and conceding? I confess, I think all this hypercriticism is very unworthy, and can only be persisted in for the furtherance of party objects, and the gratification of party feelings. Again, it



is said that I had used the expression of "concession having been carried to the utmost." I believe that was the expression I used. But what was the fair meaning to be attached to my words? I meant to say that concession, in the hope of conciliation, had been carried to a very great, indeed an unexampled length, considering the space of time over which it had ranged; but it has been attempted to be urged that I meant to convey to the House and the country the expression of my deliberate opinion that concession had been carried to the utmost, and that there was no room for further attempts in that direction. Now, is that a fair interpretation to put upon my words? I refer to what fell from the right hon. Member for Edinburgh, in the shape of another taunt in this bitter party speech. The right hon. Gentleman said, I had drunk the cup of "humiliation" to the dregs. [Mr. *Macaulay*: "No, no."] Oh, the right hon. Gentleman, in his extreme kindness only wished that I might do so, and he illustrated his argument by observing, that notwithstanding declarations as to the finality of the Reform Act, I had very recently announced, that the Government entertained a desire to extend the franchise in Ireland. Now that declaration which the hon. Gentleman taunts me with was made only a few days before I used the expression, which it has been attempted to torture into an announcement that the Government would attempt no further measures for the amelioration of the present condition of Ireland. I contend that that circumstance, in itself, proves that the construction which it has been attempted to fasten upon my words is most unfair. The right hon. Member for Edinburgh made an observation in the course of his speech in which I entirely concur. He said that an opposition has its responsibility. [Lord *John Russell*: "hear, hear."] Now, Sir, I rejoice in that admission, and I hope that the noble Lord who cheers the sentiment, and the right hon. Gentleman who used it will, neither on the present occasion, nor throughout the remainder of the Session, forget the admission thus made. I should extremely regret that a debate which, in the early period of the evening, assumed a tone so well suited, as it appeared to me, to the gravity of the occasion and the present circumstances of the empire, should degenerate into a mere party contest; yet I must say, that the speech of the right hon. Gentleman who

has just sat down was entirely at variance with the tone and temper of the debate, up to the time of his addressing the House, and quite inconsistent with the example set by the hon. Member for Kildare. The right hon. Gentleman, although he admits that the empire is threatened with imminent danger—although he alleges that the condition of Ireland is unexampled since the Union in the menacing aspect of affairs in that country—notwithstanding, I say, all this, the right hon. Gentleman thought it consistent with his duty to indulge in taunts of the most irritating character against his opponents, and to endeavour to enlist the passions of the House in a mere party contention. The right hon. Gentleman observed that the Government on the present occasion, in discussing the affairs of Ireland, were placed in the painful position of having failed to mitigate the asperity of their opponents, while, at the same time, they had not secured the entire confidence and warm support of their Irish friends. What was the declared policy of the Government regarding Ireland from the moment we accepted power? That it was our intention to administer the affairs of that country with the strictest justice and impartiality, and without regard to religious differences, and, in short, as far as possible to govern the country in a generous spirit of confidence and good will. The right hon. Gentleman justly praised the appointment of the noble Lord near me as Secretary for Ireland, and he has not ventured to impugn the appointment of the Lord-lieutenant. Now, between my noble Friends there is the most perfect coincidence of opinion, and none of that fatal disunion, which has disturbed the harmony and destroyed the efficiency of so many Irish governments. The right hon. Gentleman also alluded to a matter of minor importance—to a difference which arose respecting the scheme of education between my noble Friend and the late Solicitor-general for Ireland. What has been the conduct of the Government on that point? Who is the person now Solicitor-general for Ireland, having succeeded to that office when Mr. Sergeant Jackson was raised to the bench? One of the education commissioners. The Government has declared its determination to uphold the national system of education, and from that pledge we will not, I assure the House and the country, as a government, recede. The right hon. Gentleman has comment—

ed upon the dismissal of magistrates for attending Repeal meetings, but before I advert to that subject, I would recal to the remembrance of the House the speech delivered by the hon. Member for Bridport, in the early part of the evening. That hon. Member declared the Arms Bill to be a harassing and ineffectual measure, and yet expressed his intention of voting for it. If the hon. Gentleman considers the measure harassing and ineffectual, I can not conceive upon what grounds he supports it. The Government claims support for that measure on the ground that in the present state of Ireland it is necessary for the prevention of crimes of an atrocious character, and, with all respect for the hon. Member, I must say, that if he considered the bill inefficient for that purpose, the Government is not entitled to claim his support. The hon. Member for Bridport also condemned the dismissal of magistrates, or rather the mode of it. It is said that these meetings are either legal or illegal. If illegal, the parties ought to be prosecuted and the meetings put down; but if they are legal, then no offence has been committed. These meetings may be artfully kept within the verge of the law, but looking to the multitudinous character of the assemblages, and to the inflammatory language which is addressed to them, it is impossible to deny that they are calculated to endanger the public peace and, therefore, I contend that under the circumstances it was expedient that the Crown should exercise its prerogative, and mark its sense of the evil of the conduct pursued by the magistrates who attended these meetings (after due warning had been given to them), by dismissing them from the trust which had been reposed in them. I now come to the question of the registration of voters. The right hon. Member for Edinburgh, in discussing the conduct of the present Government, when in opposition on this point, admitted that in 1840, when the question was raised with respect to the franchise, by the motion of the hon. Member for Halifax, returns were produced from the poor-law commissioners, which showed great variation in the valuation of property. It appeared indispensable that the valuation should be made secure and certain before the franchise could be founded with safety upon it. Subsequent inquiry confirmed that view, and in the bill before the House, for amending the poor-law, security has been taken for amending the

valuation, and placing it on a footing of certainty. When that point shall be secured—then, and not till then, in my opinion will it be safe to extend the franchise, resting upon that valuation. Something has been said with respect to the municipal franchise, and it has been urged that the Government, when in opposition, resisted the extension of the franchise, as it existed in England, to Ireland from hostility to the Roman Catholic interest. That view was not taken by me and my friends. It will be recollected that the noble Lord, the Member for Sunderland said, that the new corporations would become the normal schools of political agitation. [Viscount *Howick*: It was Mr. O'Connell who said so.] Mr. O'Connell's influence was very great over the treasury bench at that period, and I thought his character of the new corporations had been adopted by the noble Lord. Be that as it may, the ground on which I and my friends refused to extend the English municipal franchise to Ireland was not jealousy of Roman Catholics, but because the corporations were avowedly intended to be converted into political debating societies in favour of repeal; and so far from the question of repeal not being then in favour, as stated by the right hon. Gentleman, I remember distinctly it was at that time stated as highly probable that, even as regarded Dublin, the question of repeal would be raised in the corporation with all the solemnities of debate, and would receive the sanction of the municipality. And what has happened? I apprehend that much had been said in favour of repeal. If I mistake not, resolutions have been passed in the corporations of Dublin, Limerick, and Cork, and in Kilkenny, the fourth city in Ireland, no man is admitted a member of the corporation who is not pledged to support the repeal of the union. I am bound to say, that the speech with which the present motion was introduced by the hon. Member for Limerick, was a speech of great ability, and quite dispassionate in its tone; but I must at the same time observe, that the arguments he used really went much further than the motion with which he concluded, for the principal arguments were drawn from the armoury of the Repeal Association, and the speech was one in favour of repeal rather than of inquiry. The right hon. Gentleman, the Member for Edinburgh, adopted one of the arguments of the hon. Member for Limerick upon the question of the distribution of



patronage. It does not appear to be the opinion on either side of the House, that as regards the army and navy, religious opinions operate as an obstruction to promotion to offices of the highest confidence under the executive Government. Then there remains only the question of promotion to legal offices. The Government has discussed that point repeatedly. I will not put our legal promotions on the ground of party partiality, but place them, as they ought to be, on the ground of professional superiority; and I request that our appointments may be tried by that test. The junior raised to the bench by the present Government was ten years the senior of the Attorney-general of the late Government. It has been remarked, that there is not at the present moment, an Irishman in the councils of her Majesty. It is somewhat hard to subject us to this taunt, at the present moment, when we have sustained a severe loss in a distinguished nobleman whom none can lament more deeply than I do. I put it to the House, however, whether it was absolutely necessary for the public interest, that we should select an Irishman as his successor. When a post becomes vacant, it is the duty of the Minister to advise her Majesty to promote to the office one who is best qualified for the public service; and I appeal to the House, whether the right hon. President of the Board of Trade has not by his conduct, ability, and zeal, fairly merited his elevation. The hon. Member for Limerick complains of the insufficient number of Irish representatives, but let the House bear in mind, that when the important arrangement took place under the Reform Act, so far from an addition being made to the number of English Members, there was a diminution of thirteen, while five were added to the Irish representatives. Then it is alleged, that the voice of the Irish representatives is not heard in this House. Surely there have been voices of Irish Members heard and long remembered in this House. There were Burke, Canning, Grattan, Sheridan, never to be forgotten, and in later times, although differing with them in political opinions, I must add the names of Mr. O'Connell, and of the right hon. Gentleman, the late Vice-president of the Board of Trade (Mr. Sheil), who have taken a conspicuous part in the debates in this House, and some of these illustrious names will go down to posterity, and be remembered as among the brightest ornaments of the Senate. But it is said, that

even if the voices of the Irish Members be heard, they do not influence proceedings. [*Hear, hear.*] The hon. Gentlemen cheer, but has not Mr. O'Connell constantly boasted that the Irish Members turned the scale in carrying the English Reform Act, and I appeal to the House, whether during the last two or three years of the Melbourne Administration, when that Government no longer possessed the confidence of a great majority of the English Members, the influence of the Irish Members was not felt in this House to this extent, that though the Government had forfeited the confidence of the English Members, it was sustained in power by the Irish ones. In regard to the franchise, I have not yet heard the challenge of my noble Friend the Member for North Lancashire answered. My noble Friend said, he would undertake to prove, that if you were to transfer to Ireland the existing English county franchise, with the English registration and English interpretation of the law with respect to freehold interest, you would greatly narrow and restrict the franchise in Ireland. That question I am prepared to discuss at any time. I do not contend that that is a reason why the English franchise should be transferred to Ireland, but it is a complete answer to the hon. Gentleman, when he contends that Ireland has been treated unjustly, to point out to him that the franchise given to Ireland under the Reform Act is undoubtedly more popular than that given to England or Scotland. I now turn to the speech of the hon. Member for Kildare, with respect to the tenure of land. If I understood the points read by that hon. Member, there is scarcely any difference in the law of Ireland and England, as regards the tenure of land. The four points stated by that hon. Member were, first, as regarded distress of the growing crop; next, of the crop when severed from the land; next, ejectment by action under lease; and lastly, by notice when tenant at will. I believe that, in the main, the law is identical in the two countries. The hon. Member stated one particular case in which, by custom, a right exists in Ireland quite unknown in England, namely, the tenancy right, by which not only a tenant under lease can sell his goodwill, and have his sale respected by the landlord, but in the north of Ireland the tenant at will can even receive a valuable consideration for his tenancy, which is subject to the pleasure of the landlord. To that

extent, then, the tenantry of Ireland are placed in a more advantageous position than those of England. I certainly must admit, with great regret, that in some instances the landlord exercises his legal right with harshness, but I confess I do not know how such a practice is to be restrained by legal enactments. I understood the hon. Member for Limerick to say, that he is not aware of any particular remedy that could be applied to the difficulty. Even the right hon. Member for Edinburgh has said, that this was a question upon which he was more disposed to listen and to learn than to dogmatise. It is, in fact, a subject of great difficulty, and should be approached with the utmost caution. On such a subject, it would be unwise to raise any false hopes, but I admit that it is open for discussion for the purpose of seeing whether any favourable alteration is practicable. What is called a fixity of tenure appears to me to be neither more nor less than confiscation of the land; and the erection of a tribunal of tenants to decide what rent should be paid, and what allowance made for outlay on land, appears to me a direct interference with the rights of landlords, which could not take place without the greatest danger, and without an entire overthrow of the existing laws and institutions framed for the protection and defence of property. The hon. Member for Limerick, in his opening speech, argued that there had been some neglect in legislation with respect to matters of importance affecting the interests of Ireland. Now, I beg to remind hon. Gentlemen, that in 1830, a committee of this House was appointed, over which Lord Monteagle presided, to inquire into the state of the poor in Ireland; and though I will not occupy the time of the House by reading any portions of that report, I may state that it concluded by recommending nineteen specific legislative measures. Now, will the House believe that—with one single exception—all these measures have, since the year 1830, been dealt with legislatively, and that remedial enactments are now on the statute book? The first six of these measures related to charitable institutions; and all the suggestions which they comprehended, for the extension and amendment of charitable institutions, have been carried into effect, with the exception of one recommendation with regard to medical institutions, which yet remains to be embodied in an act of Parliament. My noble Friend,

the Secretary for Ireland, has introduced a bill on this subject which has been referred to a committee up-stairs; I believe the committee has reported, or is about to report; but, at all events, it is the intention of Government during the recess to institute an inquiry on the subject in Ireland. Another measure was, to consolidate the grand jury laws, which was passed when my noble Friend (Lord Stanley) was Secretary for Ireland. Then another measure with reference to public works in Ireland has been adopted, and also enactments relative to sub-letting and drainage. It had been recommended, that some assistance should be rendered to parties who were desirous of emigrating; and in the Poor-law Act there is a provision under which funds may be raised for the purposes of emigration. Allusion has been made to the opposition which was offered to the advance of public money for the construction of railways in Ireland. I beg the House to consider the circumstances in which that grant was proposed. In the first place, in this country a great extent of railway has been constructed, not less than 1,500 miles I believe, without one shilling of public money having been granted for that purpose. It has been found, that the minimum cost of a railway is 23,000*l.* per mile, whilst the average expense per mile is about 34,000*l.* It was proposed to have a railway from Dublin to Cork, a distance of 168 miles, which, at an average of 34,000*l.* per mile, would have cost so much that with the railways to the west and to the north, which it would have been indispensable to construct, the sum to be advanced by the public would not have been less than 10,000,000*l.* Hon. Members may point to the estimates which were made for the Irish railways, but I beg leave to say, that in matters of this kind, experience is much more to be relied upon than any estimates. Experience has likewise proved, that in England and Scotland no railways succeed or are in a material degree valuable to the public interest, except those which unite large seats of manufacturing industry with each other, or with the capital, and in the present state of Ireland, a country purely agricultural, the advantage of railways, I am convinced, would not be at all in correspondence with the expense. It has been said, that no assistance has been given since the Union to public works in Ireland by Great Britain. Now, the fact is, that



since the Union there has been advanced for public works in Ireland about 7,200,000*l.* out of the public funds, of which about 5,500,000*l.*, has been repaid, leaving about 1,700,000*l.* unpaid. Then a considerable advance was recently made for the improvement of the navigation of the Shannon, one-half of which, if I mistake not, is an absolute grant from the public treasury, not to be repaid. I believe I have now touched upon all the various topics which have been introduced into this debate, and I am unwilling to trespass longer on the attention of the House; but, at the same time, I feel that it is impossible for me to pass by that to which more importance is attached than to all the rest—namely, the question—the great question—of the Church Establishment in Ireland. I heard with great interest an observation which fell from the hon. Gentleman, the Member for the county of Kildare, who said, as I understood him, that any concordat with Rome, which would regulate in any degree the ecclesiastical power of the Roman Catholic hierarchy would not be regarded as a beneficent measure, but, on the contrary, would be viewed with extreme jealousy and dislike by that body, and I also understood the hon. Member to say, that any endowment of the Roman Catholic clergy is not desired by the members of that Church.

Mr. *O'Ferrall* had said, that any concordat with Rome, which gave the Protestant Government a power over the Catholic Church, would not be received or enforced by the spiritual or temporal power of that Church in Ireland.

Sir *James Graham*: Now, I beg those who call upon the Government to make declarations with respect to measures of this kind, to observe, what caution such a statement as that made by the hon. Member for Kildare prescribes, and how delicate is the ground, on which we are invited to tread. The right hon. Member for Edinburgh has been quite explicit in stating his view of the subject. The right hon. Gentleman thinks that there ought to be two co-ordinate and co-existent establishments in Ireland, and some reliance was placed by the right hon. Gentleman, as well as by the hon. Member for Sheffield, on a supposed analogy with the Church establishment of Scotland. Now, I must say, that so far from seeing any analogy, I see the greatest possible difference. In the passage which the right hon. Gentleman did me the honour of

quoting from a speech of mine in the present Session of Parliament relative to the Church of Scotland, I said that the Presbyterian Church of Scotland rested on the treaty of Union. The Protestant Church in Ireland rests on the same foundation. The Union with Ireland never would have been carried with the consent of the Irish Parliament, unless the maintenance of the Protestant Church in that country had been secured by a fundamental article of the treaty, which is embodied in an act of the Imperial Parliament. I respect Presbyterian Church government in Scotland, because I am resolved to abide by the act of Union with Scotland. I uphold the Protestant Church in Ireland, because I am true to the act of Union with Ireland, and am not prepared to set at nought this solemn national engagement. This is a question which has unfortunately given rise to a serious misunderstanding between me and my noble Friend near me, and the hon. Gentlemen who occupy the opposite Benches, yet I do not understand that hon. Gentlemen opposite though they differ from us, agree among themselves in their views on this subject. The noble Lord, the Member for London says, that he is opposed to the overthrow of the Protestant Church in Ireland, that under all circumstances he would maintain the establishment in that country. Various plans have been broached by other hon. Members. The hon. and learned Member for Bath is for its immediate subversion, and the hon. Member for Sheffield, with a regard only for existing rights, contemplated the same result. [Mr. *Ward* expressed dissent.] I thought I understood the hon. Member for Sheffield to concur in the hon. Member for Bath's proposition, except as far as regarded present rights, and to say, that the option was between the maintenance of the establishment and that of the Union; that the two could not stand together. [Mr. *Ward*: "My argument was, that that establishment must be fixed on the basis of population."] The basis of population!—that is, that as the Members of the Established Church are about one-eighth of the population, and the Roman Catholics nearly seven-eighths, therefore seven-eighths of the Church property should be transferred to the other party—a proposition which I think approaches as near subversion as it is possible to go. The hon. Member for Halifax does not go so far as to say that seven-eighths should be transferred; he wishes to take a

slice of the property, but he did not specify how much. [Mr. C. Wood: I did not say I would take any portion of the property.] I understood the hon. Member to say, that though he was not prepared to state the proportion, he was prepared to take some. [Mr. C. Wood: I said nothing about it.] Surely, then I am not mistaken in supposing that the hon. Member voted for the appropriation clause. The noble Lord the Member for the City of London declares, that he is desirous to uphold the Church Establishment in Ireland, but surely I did not misunderstand him when I supposed him to have stated on a former evening, that he would transfer a portion of the Church property to the endowment of the Roman Catholic Church. [Lord J. Russell: I did not say so.] There appears to be a great deal of coyness on this subject amongst hon. Gentlemen opposite; it is hard to understand what they say; it is easy to comprehend what they mean; but I am bound to state, that I steadily adhere to the opinion which I have frequently expressed in this House. I do not think the suggested change consistent with the act of Union, I do not think it consistent with good faith towards the Protestants of Ireland, who had a Legislature exclusively Protestant, and who gave their assent to the union on the faith of the Protestant Church being maintained. On every ground of policy, of good faith, and I may add of religious feeling, I for one, cannot consent to the alienation of the Protestant property for the endowment of the Roman Catholic Church. I think it is of the last importance that the House should clearly indicate its opinion on this occasion. If the House entertains any doubt of the ability of the Government to administer the affairs of the country in the present crisis, I admit that the motion is legitimate for the purpose of eliciting an expression of opinion upon that point. This is no motion for inquiry; it has been scouted as such by hon. Gentlemen opposite. It would be absurd so to treat it, and it is not so intended—it is brought forward to debate the policy of her Majesty's Ministers with regard to Ireland. I have stated the course which the Government will take. I have stated that justice and impartiality shall be strictly observed—that her Majesty's Roman Catholic subjects shall enjoy according to their merits a full and fair share of the distribution of the patronage of the Crown—that we will carry into full

effect the Emancipation Act, and that every measure affecting the state of society in that country shall be viewed with an earnest desire to promote the improvement of all classes there. I have touched upon the fixity of tenure; to that I cannot consent. I hold that the very term is replete with danger; but we will willingly discuss any portion of the law, which regulates the relation of landlord and tenant, and with anxious and unprejudiced attention we will consider any legislative measure, which without prejudice to the rights of the owner may improve the condition of the occupier of the soil. On the question of Roman Catholic endowments I heard with great interest the opinion of the hon. Gentleman the Member for Kildare, whose authority is high upon this subject; and his declaration proves the necessity for the utmost caution. With respect to the Protestant Church Establishment itself—and I believe that I speak the feelings of all my Colleagues—I adhere to the decision that the establishment must be maintained, and that no portion of the Protestant Church property can with good faith be alienated for the endowment of the Roman Catholic Church. Sir, I think we have arrived at a period when it is far better that the opinion of this House should be distinctly, frankly, and openly avowed. I cannot dissemble from myself that the crisis is one of urgency. The hon. Gentleman who brought this question forward has remarked that, though the limits of the law may be observed, though there may be doubts as to the question of the legality of the proceedings in Ireland, there is still one fact that must not be overlooked, viz., that in three provinces of Ireland, and within eight and forty hours, fifty thousand men can be assembled at the bidding of one man. The great majority of this House, and, among them no man more distinctly than the right hon. Gentleman the Member for Edinburgh, have stated their fixed opinion, that the Union must be maintained. The right hon. Gentleman indeed has admitted, that if you concede the Repeal of the Union, war between the two countries is inevitable—and that, if it must come, war before the Repeal is safer than war after it. God avert so dreadful a catastrophe! But I say there must be no hesitation on the part of the Legislature of this country. Again, I would remind the hon. Gentlemen opposite of the admission of the right hon. Gentleman (Mr. Macaulay) that "Opposition has its responsibilities." This



is no ordinary crisis. Great interests, national safety, and our position in the scale of nations are at stake. I say that it is the bounden duty of the Executive Government, exercising its dispassionate judgment, to pursue that course which in their consciences and their judgment they believe to be most conducive to the public safety in this extremity. If the House distrusts them, and thinks that other policy ought to be pursued, let them mark their want of confidence and manfully declare it; but if the present Government are to conduct the State in these perils, they must, beyond a doubt, possess the confidence of Parliament—and the measures they propose must meet with no undue obstruction. [*Cries of "What measures?" from the Opposition side.*] I have no hesitation in saying, that one measure of great importance is the Arms Bill, to which so much opposition has been already given. I say that it is one of the measures which I consider to be necessary for Ireland—and I also say that, in this position of affairs, it is most desirable that this House should indicate distinctly the course which it thinks ought to be taken—any hesitation will aggravate the danger a hundred fold. If, therefore, the sense of this House is in favour of her Majesty's Government, I hope its expressed confidence will enable them to triumph over every difficulty. But I say this—and I appeal to hon. Gentlemen on both sides of the House—I repeat it, if we falter—if we hesitate to repress the rebellious spirit that has shown itself in Ireland, the glory of this country is departed—the days of its power are numbered, and England—all conquering England—will be numbered with those nations whose power has dwindled, and which present the melancholy spectacle of fallen greatness.

Debate adjourned.

## HOUSE OF LORDS,

*Monday, July 10, 1843.*

MINUTES. *BILLS. Public.*—1<sup>a</sup>. Episcopal Functions.

2<sup>a</sup>. Grand Jury Presentment (Ireland): Defamation and Libel.

3<sup>a</sup>. and passed:—Limitation of Actions (Ireland).

*Private.*—1<sup>a</sup>. Northampton Improvement; Londonderry Bridge; Charles Joachim Hambro's Naturalization.

2<sup>a</sup>. Tay Ferries; Inchbelly (Glasgow) Roads.

*Reported.*—M<sup>c</sup>Culloch's Estate.

3<sup>a</sup>. and passed:—Oxnam's Estate (No. 2); Liverpol Watering; Bolton Water Works.

PETITIONS PRESENTED. By Lord Campbell, from Edinburgh, and Leith, against the Charitable Pawn Offices Bill.—From Shepton Mallett, against the Abolition of Church Rates.—From the Parish Clerks of Manchester, for a Clause in the Church Endowment Bill.

CHURCH ENDOWMENTS.] The Bishop of London moved the third reading of the Church Endowments Bill, and said he understood there would be some objections raised, but he should be best able to meet them when he heard them stated.

Lord Cottenham said, that there had been substantial alterations in the bill since the second reading, to which he deemed it right to call their Lordships attention. The object proposed by the measure was to supply means for the endowment of additional ministers in large and crowded parishes, which for the purpose were to be divided into districts; and ministers appointed [were to have certain portions of the ecclesiastical dues allotted to them. The effect must be to diminish the profits of existing encumbrances, and therefore to injure the rights of patronage. There appeared no provision for reserving to the patrons of the divided parishes the power of appointing, either [alone or in concurrence with the bishops, the additional clergymen. Nor was there any efficient arrangement for securing to the patrons adequate compensation for such injury to their legal rights. The result must be, that while at present a patron had the presentation to a living of a certain value, by means of this bill the living would lose half its value, and he would lose half his presentation. This was taking away legal rights now possessed by certain parties and conveying them to strangers, and of whom the measure contained no distinct description. It had been frequently arranged in cases like those which would be regulated by the bill, that the patron and the bishop should agree in the presentation; but not even this was provided by the bill before the House. Nothing, he thought, could justify such an interference with existing vested rights, unnecessary for the objects of the bill, and not included in the measure as presented to their Lordships previously to its present stage. The provisions for dividing of parishes were distinct from and independent of those for the endowment of districts, so that it was possible for the patron to lose half his right without the people being secured additional privileges. Another important objection was that the statutes of mortmain were virtually disregarded and repealed so far as they related to the subject-matter of this bill, a change of very questionable propriety, and certainly not contained in the bill when

it was read a second time. What he complained of was, that the bill deprived patrons and incumbents of their just and legal rights, but made no provision for securing them any compensation. The rights of the Crown were affected, but the Crown was represented in that House by her Majesty's Ministers; and the mere fact that the consent of the Crown was necessarily given before the bill could be proceeded in proved his point, namely, that all patrons and others, whose interests were affected by the bill, should have been consulted upon the matter.

The Bishop of *London* said, that if they waited till the consent of all the patrons was obtained, they might wait until the Greek kalends. He admitted that the patrons, by the law and constitution, had a vested right, but it so far differed from the property of other individuals, that it was in the nature of a trust. The bill did not touch the tithes; it merely took from the incumbent payment for duties which could not now be effectually performed; and it was no innovation, for their Lordships had already passed enactments affecting the vested rights of patrons and incumbents without making provision for compensation. Measures of this kind had been passed when the exigencies of the Church were not so great as now, and he hoped, that the objections of the noble and learned Lord would not be permitted to defeat this bill, which was one of the most important that had been introduced within his memory. The bill would, in fact, carry out the very principle upon which parishes were endowed in remote ages, when the population of those parishes did not exceed, perhaps, 500, and had now increased to 100,000 or 200,000. With regard to the alternate presentation by the Bishop and the Crown, the reason of that provision was simply that the Bishop and the Crown provided the endowments. He, in his own diocese of *St. Paul's*, had given up presentations to the amount of 12,000*l.* a-year present value, but which, under the improved system, would be worth 30,000*l.* or 40,000*l.* a-year, and which he might have bestowed upon those he desired to favour, and was it to be said, that he, as Bishop of *London*, was to give up that amount of property, and yet not have the patronage of the new churches in his diocese? With regard to the effect produced by the bill upon the statute of mortmain, the prin-

ciple of the alteration was substantially contained in the bill as sent up from the House of Commons, and the amendments in committee had been merely made for the sake of perspicuity and clearness. When the Mortmain Act passed, the state of society in this country was very different from that now existing, and every year the Legislature was called upon to pass bills excepting particular institutions from the operation of the statute, as in the case of *St. George's Hospital*, for which an act had been passed to enable a gentleman to leave it property to the amount of 20,000*l.* a-year. He did not mean to say, that they should on this ground pass a general measure of this kind in favour of the Church; but the bill would afford the greatest security against abuse, by providing that no endowment should take effect which had not been previously approved of by the ecclesiastical commissioners, and by her Majesty in council. The bill would only extend to the ecclesiastical commissioners of England and Wales the powers which had been possessed for a century by the governors of *Queen Anne's bounty*, who may receive tithes, money, estates, or hereditaments, to any amount, for the augmentation of small livings; and by the 43rd Geo. 3rd, the Mortmain Act was not to apply to the governors of *Queen Anne's bounty*. The possession of these powers had been, there was not a shadow of doubt, most beneficial to the Church and the country. He could not think that any danger of abuse need be apprehended from granting the powers proposed to be given by the bill to the commissioners: but if they should do anything contrary to the law, there was the still further security of the assent of her Majesty in Council, who would be guided by the opinion of the law officers of the Crown as to whether it was advisable to give effect to the endowment or not. For these reasons he trusted their Lordships would not refuse their sanction to this bill, or materially alter its provisions, which would be most beneficial to the Church of England, and a source of spiritual and moral improvement to those populous districts which were now a shame and a disgrace to the country.

Lord *Campbell* said, there was one clause of the bill, the eleventh, to which, as it now stood, he must offer his most strenuous opposition, as interfering dangerously with the law of mortmain. The



9th George 2nd was passed, not to prevent the granting or holding of lands in mortmain, but to regulate the manner in which the grant should be made; and the powers granted to hospitals and other institutions, by particular bills, did not make any alteration in the manner in which the property was required to be granted. The object of that statute was to prevent bequests being made when the person was *in extremis*, and when there was very great danger of the testator being under undue influence, and induced to rob his family. Blackstone said:—

“As it was apprehended from recent experience, that persons on their death-beds might make large and improvident dispositions even for these good purposes, and defeat the political end of the statutes of mortmain, it is, therefore, enacted by the statute 9th George 2nd, c. 36, that no lands or tenements, or money to be laid out thereon, shall be given for or charged with any charitable uses whatsoever, unless by deed indented, executed in the presence of two witnesses, twelve calendar months before the death of the donor, and enrolled in the Court of Chancery within six months after its execution (except stocks in the public funds, which may be transferred within six months previous to the donor's death), and unless such gift be made to take effect immediately, and be without power of revocation; and that all other gifts shall be void.”

As the 11th section of this bill now stood, if any person, from mistaken or fanatical motives, no doubt, went to a man in his last moments, and told him, that it was for the weal of his soul to dispose of the whole of his property in endowing a particular clergyman, instead of making a decent provision for those dependent on him, and if the sick man listened to his persuasions, the bequest would stand. The 9th George 2nd had been found to be a most salutary law, and had received the commendations of every Lord Chancellor. When he (Lord Campbell) was Attorney-general, he recollected that a bill was passed in one of the colonies to allow persons *in extremis* to endow a new church, whatever the religion might be. He had given his opinion against it on being consulted, and the royal assent was consequently refused. If the clause were restored to the shape in which it had come up from the House of Commons, it would still allow grants for the purpose of endowment under due regulations, and providing against improper influences.

Lord Cottenham was as anxious that

this bill should come into operation as the right rev. Prelate himself, but he was also anxious that the interests of parties should be protected. If a parish was divided into two, it was proposed to take away half the patronage from the patron; but why should he not have the whole? Deal with private rights where it was absolutely necessary, but here was no necessity. Divide parishes where they were too large, but reserve the patronage to the patrons. The bill, as it came from the Commons, had no clause allowing a person to dispose of his lands by will; that had been introduced by their Lordships in committee and it not only repealed the Mortmain Act, but the 9th George 2nd, which prescribed the manner in which land might be given in mortmain. The 9th George 2nd remained in full force as the bill came from the Commons, but it was repealed as it now stood. He advised their Lordships before they gave their assent to this bill to take care that the interests of patrons and incumbents were not sacrificed to the discretion of the commissioners, without any necessity for it as respected the working of the bill.

Lord Brougham said, this seemed to him to be a very important question. The statute of 9th George 2nd, which this bill went directly to sweep away in all those cases in which it was most of all wanted, was one of the most important acts in the statute-book, and was looked upon as the very corner-stone of the law of mortmain, and of devises for charitable uses. It was passed to remedy the grossest abuses; it had been eulogised by all judges, and the only doubt was whether it went far enough. This bill, however, not only enabled a man to leave his property to the Church by will when on his death-bed, but it did not require two witnesses or even one witness; he might do it by deed immediately before his death without enrolment. This was, therefore, as complete a repeal of the 9th of George 2nd, which had been praised by all the judges, as if that act had never passed, and in favour of the Church, leaving those very persons, hypochondriacs and others, whom it was the object of the act to secure, unprotected. The universities of Oxford and Cambridge, the schools of Eton and Winchester, were excepted from the 9th George 2nd; all other hospitals, charities, and benevolent institutions were liable to the Mortmain Act. This bill now made

an inroad upon it in favour of the Church. He hoped their Lordships would not repeal the Mortmain Act in this peculiar case. If the Mortmain Act was to be repealed let it be done so that the bill should pass through all its stages. He did not think such an attempt upon the laws of this country had been made for the last century as this was. He should propose that the bill should stand over till next Session, and the judges' opinion should be taken upon it, instead of attempting, by one vote in the Lords, and one vote in the Commons, to make a greater alteration in the law than had been done for the last century. He would move that the word "will" be left out of the 11th clause, and that the words "within the provisions of the 9th of George 2nd," be introduced into it. He moved the amendment without the slightest desire to impede the bill, for the success of which he was as anxious as the right rev. Prelate, who had exerted himself in the matter in a most praiseworthy manner. The right rev. Prelate did not feel as lawyers did on the subject of the Mortmain Act, but he (Lord Brougham) gave his hearty concurrence to the object of the measure.

The *Lord Chancellor* understood the object of the right rev. Prelate to be, to place the provisions of the bill on the footing of the statute of Anne, in which the words "by deed or will" were found. When the 9th George 2nd was passed, the Legislature was apprehensive that the act would interfere with the operation of the statute of Queen Anne, and added a distinct provision to obviate that consequence. The 43rd of George 3rd enacted that whereas the beneficial effect of the statute of her late Majesty Queen Anne had been retarded by the 9th of George 2nd, so much of the act of Anne should remain in force, any act to the contrary notwithstanding. By the statute of Anne the power was given of disposing of real property "by deed or will," for the benefit of the Church, and the holders of poor livings. Afterwards the mortmain was passed, and was found to impede materially the operation of the statute of Anne. To obviate this the 43rd of George 3rd was passed, by which the statute of Anne was again set up. The object of the right rev. Prelate was, to give by this bill only such powers as were given by the statute of Anne, and with that view the words

"by deed or will" had been introduced into the bill. Still he (the Lord Chancellor) believed that to make the clause effective, and make it correspond with preceding acts, some words must be added, and then this bill would have the same effect as the statute of Anne. In that case, he did not see that their Lordships could raise any objection to the bill.

Lord Brougham really thought the bill was one that should not be proceeded with further, without some little delay to allow their Lordships time to consider the difficulties that had presented themselves in the course of this discussion. It was not right that they should be called on thus on a sudden to repeal the Mortmain Act. He should like himself to have an opportunity of looking a little further into the matter before the bill was passed.

Debate adjourned, and House adjourned.

## HOUSE OF COMMONS,

*Monday, July 10, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Machinery Exportation Reported.—Cathedral Churches (Wales); Woollen, etc., Manufactures; Scientific Societies.

5<sup>a</sup>. and passed:—Norfolk Island.

*Private.*—1<sup>o</sup>. Oxnam's Estate (No. 2).

2<sup>o</sup>. Leicester and Peterborough Road.

Reported.—Dundee Harbour; Gorbals' Police

3<sup>o</sup>. and passed:—Londonderry Bridge; Northampton Improvement.

PETITIONS PRESENTED. By Mr. Wallace, from Dunoon, for Protection against Encroachments on their rights over Part of the Castle Lands.—By Mr. S. Crawford, from Rochdale, against the Arms (Ireland) Bill.—By Sir H. Douglas, from St. Andrews New Brunswick, for Amending the British Possessions Abroad Act.—By Mr. T. Duncombe, from Chartist Prisoners in Kirkdale Gaol, for a remission of their Sentence.—By Mr. T. Duncombe, from the Duke of Leeds, for his share in the Pension formerly Granted to the Duke of Schomberg.—From Market Harborough, in favour of the County Courts Bill.—From six places, complaining of the Forgery of the Signatures of Petitioners to Petitions praying for the Repeal of the Corn Laws.

DUELLING.] Mr. E. Turner asked Sir Robert Peel whether the Government was prepared to advise her Majesty to visit with her signal displeasure all persons who may hereafter become engaged either as principals or as seconds in any duel?

Sir Robert Peel said, that he was not prepared. In stating that, however, he hoped the House would not infer that the Government felt any indifference to this important subject. But he could not help thinking that a declaration should be made only after mature deliberation, and that no weight would be added if it were



made on the spur of the moment, and in consequence of a particular event.

STATE OF IRELAND — ADJOURNED DEBATE (THIRD NIGHT.)] The Order of the Day for the resumption of the debate having been read,

Captain *Bernal* said, however wearied the House might be with this protracted debate, they could not fail to be struck with astonishment at the speeches of the hon. and right hon. Gentlemen connected with the Government. They all admitted the grievances, they all lamented the causes, but they omitted to indicate an intention of bringing forward any measure to redress these grievances. He would pass over the speech of the hon. Member for Belfast (Mr. E. Tennent), because those who were curious in *Parliamentary Debates* by referring to the year 1839 would meet with the very same speech, and it was a singular coincidence that Dr. Goldsmith should be laid under contribution for the identical lines which had already done the state some service. He wished more particularly to refer to the speech of the right hon. Gentleman the Secretary of State for the Home Department, and however credulous the House might be, it would scarcely concur in thinking that a vote of want of confidence should be denied after that speech. Nay, the right hon. Baronet who now resisted inquiry himself, said, four years ago, whilst he was labouring under the responsibilities of opposition, of which he now talked so much,

"I can conceive nothing more interesting than inquiry into the state of Ireland. As a great moral lesson, it demands earnest and immediate inquiry."

He would ask the House what were the altered circumstances of 1843, which did not make it necessary now to have an "earnest and immediate inquiry." What did the hon. Member for Limerick call upon the House to do? Firstly to inquire whether political and social grievances existed in Ireland; and, secondly, whether all legislative remedies had been tried and been found inadequate. He was perfectly ready to admit with the noble Lord the Secretary for Ireland, that there were social evils in Ireland, but the House should bear in mind the position of the Irish peasantry. Every one worked for his own subsistence without aid, every man grew his potatoes on his own patch

of ground, and if he lost that he had no chance of procuring employment — he must starve. Now in the second volume of *State Papers*, in a letter from Brabazon to Secretary Cromwell, so early as the year 1535, is this description of the Irish peasantry :—

"I think the poor commonalty here be very true people, and conformable to all good order; the destruction of this land is wholly by the extortion of the lords and gentlemen of the country."

And no one could deny that much of the distress was still owing to the landlords. In the report of the Poor-law Commissioners for 1836, which, give him leave to say, contained a better history of modern Ireland than any other, it was said that the average earnings of the peasantry were 4*l.* a day, and that they paid from 30*s.* to 2*l.* a year rent for their cabins, and 2*l.* more for their peat. During the inquiry two questions of very great importance were asked—one was,

"Are the landed proprietors absentee, or resident? If absentee, do they reside in any other part of Ireland?"

To this question the uniform answer returned was "Principally absentee." The other question was,

"To what extent has the system of throwing small farms into large ones taken place in your parish? What has become of the dispossessed tenants?"

He had extracted these answers, which would be a sample of all. Speaking of the county of Galway, the Rev. P. Pownder, of Kilelooney, replied :—

"It is extensive, and the poor outcasts nestle where they can; they suffer great misery and anguish of heart; their feelings are excited, and this system produces all the sullen ferocity of despair, and many of the dreadful inroads upon the peace and order of society."

Another clergyman, speaking of Kildare and Rathorgan—the Rev. P. Brennan, P.P., said :—

"To a great extent: some tenants go to other parishes, some to America; some are living still in the ditches; some have died from hardships."

Rev. Nicholas O'Connor, P.P., of Borris Strathe, in the Queen's County, said,

"About seventy families within these last few years, many of whom have become desperate White Feet."

Whilst another gentleman referred to

this system as creating the class of White-boys; and in the same report it was said,

“A large proportion of the crimes committed are connected with the competition for land.”

He thought, therefore, when hon. Gentleman talked of the miseries of the connection with England, it would be well if they considered that many of the evils which Ireland was now suffering were produced by the landlords. The noble Lord the Secretary for Ireland, deprecates the introduction of any topics connected with history; but was it not necessary, for a right understanding of political grievances, to revert to the fact that all concessions to Ireland were the result of dread, and that in early days the humiliation of Ireland kept pace with the aggrandisement of England? Even the times of Queen Elizabeth, so honourable to England, were days of deep degradation to Ireland. From the first relaxation of the criminal code in 1778, down to the grant of Catholic Emancipation in 1829, all relief had been extorted through fear. The first act of conciliation followed the American reverses of 1777, and the last act followed the turbulence and clamour of the Clare election. What was the language used by Mr. Pitt and Lord Castlereagh when they proposed the union? Mr. Pitt in his speech, said:—

“What am I now proposing for the sake of Ireland? I am not content that Ireland shall have some benefits as part of the British empire, but I am proposing that Ireland shall be allowed to participate of the blessings which England enjoys.”

And Lord Castlereagh, on January 22nd, 1799, said,

“By the incorporation of Ireland with Great Britain, it would not only consolidate the strength and glory of the empire, but it would change our internal and local government to a system of strength and calm security, instead of being a garrison in the island.”

Did Ireland now participate in the benefits which England enjoyed? Was it not still a garrison country? He would not now discuss the Irish Church question, but he must remark, that 7,000,000 Catholics maintained a hierarchy of four archbishops, twenty-five bishops, and many deans and vicars-general, besides upwards of 3,000 parochial clergy, and yet had to contribute largely to the Protestant Church. Was Ireland fairly treated with reference to representa-

tion? Lord Castlereagh (taking exports, imports, and revenue as a criterion) proposed to give her 108 Members, but 8 were struck off; whereas if wealth and population were taken, she would have claimed 150 Members. Nor had she been fairly treated even under the Reform Bill. Wales got an increase of 6 Members upon a population of 800,000; Scotland ditto, on 2,300,000, an increase of 8; Ireland on 8,000,000, an increase of 5 only. Scotland had, therefore, an increase of 1 in 5; Wales, 1 in 6; Ireland 1 in 10. Besides, how many houses were there in such towns as Birmingham and London of 10% a-year value, and how few in the towns in Ireland. The noble Lord defended his policy much on the same grounds that the historian Hume defended the coercive policy of Queen Elizabeth; if she did not always do what was best, she did what she could. The right hon. Baronet the First Lord of the Treasury, indeed, said that he would rule Ireland with impartiality; but to do this he must do it through his associates. Who, then, were the right hon. Baronet's associates? The right hon. Gentleman the Secretary of State for the Home Department, taunting the Members of the then Government, in April, 1839, said:—

“By what means are we to ascertain what are the principles of the Government which we are called upon to approve? In a case of doubt like this, and in the absence of other materials for forming a judgment, the House must resort to the principle *noscitur a sociis*, and turn from the profession of the Ministry to the character of its supporters.”

Who are the right hon. Baronet's associates? To find them truly it would be necessary to carry the House back to the year 1837. On the 24th of January, in that year, a great Conservative meeting was held in Dublin. The room was decorated with Orange ribbons; the Marquess of Downshire was in the chair; Lord Roden was there also; there was what was very significant in Ireland, “Kentish fire;” many magistrates were present; language of a very violent character was used, but no magistrates were dismissed. The right hon. Baronet claimed credit for his support of national education. At that meeting this resolution was passed:—

“Resolved, That with respect to civil affairs, we feel we have grievous cause for complaint; First, by reason of a national system of education, which in its working is so diametrically opposed to the first duty and highest



privilege of Christianity, that the Protestants of Ireland cannot conscientiously avail themselves of the advantages of the national endowment."

That resolution was seconded by Mr. Sergeant Jackson, who then said:—

"The Roman Catholic hierarchy affected at this period to condemn the advantages of Scripture education. I am sorry that there are in the community a class of men who do not love the light, for their deeds are evil."

Mr. Sergeant Jackson is now a judge. Mr. Smith, then a Queen's counsel, speaking of the Roman Catholic oath, said:—

"I am sorry circumstances have arisen to induce us to believe that they have very little regard for the sanctity of an oath, or little hesitation to violate their compact. Lord Morpeth, in a speech delivered at Leeds, had called himself a friend to the Protestants of Ireland. May the Lord deliver us from such friends."

Mr. Smith also said:—

"His Government had not yet gone to the full length of the promises held out to the Irish people, but I think they have gone entirely too far, and we are met here to prevent them going farther."

Mr. Smith is now Attorney-general. Mr. Litton, on seconding a resolution, said:—

"If there be a general election, these wretched men are brought forward, not to assert the right of franchise given by the constitution, but brought forward to carry on by bludgeon law, by force, by murder, if necessary, the objects set on foot by the association, and carried out to a man by the Roman Catholic priesthood."

Mr. Litton is a Master in Chancery. Among those who took part in the meeting, also, were Mr. Brewster, now counsel to the Castle, and Mr. E. Tennent, now Secretary to the Board of Control. It was very true, he might be told, that these gentlemen had moderated their views. They might have surrendered their opinion, but what trust could the Irish people place in men who have passed the greater part of their political life in advancing such doctrines as these. The noble Lord the Secretary for the Colonies was the parent of the system of national education; and it was only natural that he should desire to see his own measure carried into effect. Yet the first person appointed to the Episcopal bench was totally opposed to the system of national education. Dr. O'Brien, also, who was totally opposed to the noble Lord's system, was

appointed to the see of Ossory, and that most violent partisan, Dr. Daly, to the bishopric of Cashel. How can the right hon. Baronet call on that House to give him credit for sincerity? He asked how could they, when such appointments were made in Ireland? But had the people of Ireland any greater reason for consolation when they looked to the Government itself? Let them take three of the leading Members of that House. Why, no later than the year 1840, the Vice-president of the Board of Trade voted against the grant to Maynooth. Was that a ground of confidence on the part of the Irish people? Did they feel greater confidence when they turned to the noble Lord the Secretary for the Colonies, or when they listened to the statement of the right hon. Baronet the Secretary of State for the Home Department, declaring that concession had reached its terminus—a sentiment in which, however he might conceal it, he believed the right hon. Baronet at the head of the Government fully concurred. He quite agreed with the right hon. and learned Gentleman the Recorder for Dublin, that they had a strong government folding its arms, which would grant no further concessions, hazarding rather a civil war; a government impotent for good and irresolute for evil. It had been stated that out of a population of 8,000,000, there were 2,300,000 depending for their subsistence upon casual charity. Would it not be wise to employ these persons upon railroads, and so pacify Ireland? A small grant or loan had recently been made to the Dublin and Drogheda railroad, and he thought, small though it was, it would do more towards pacifying Ireland than all the courtly phrases of the right hon. Baronet. Again, he would urge upon hon. Gentlemen, who were or might be members of the Government, on both sides of the House, the necessity of abolishing the office of Lord-lieutenant. The right hon. and learned Gentleman the Recorder for Dublin had told them that in all times of emergency the office was an anomaly. He could say from his experience that in times of quiet it was equally an anomaly. The present Irish establishment was of no use to any party, except to those few of her Majesty's servants who were anxious to avoid the dull routine of regimental duty. He called upon the House, instead of making an objection to the grant to

Maynooth, to place that college on the footing of the English universities, for he could tell hon. Gentlemen that they would never have a quiet and peaceful population whilst they oppressed and despised the ministers of their religion. Mr. Grattan had recommended that the Catholic clergy should be incorporated with the state, and that they should have salaries for duties, and not to bribe them for political apostacy, and in that recommendation he heartily coincided. Hon. Gentlemen might say that the time was gone for these remedies, but the time had come when they must make the union a living letter. In reviewing the past history of Ireland, it was clear that great injustice had been perpetrated on the majority; and it could not be continued, whether in the shape of defiance breathed through the lips of a Secretary of State, or the more obnoxious form of military parade. He would not advise the Government to adopt strong measures, but let them rather recollect the advice given to Charles 1st, that the best way to put down rebellion was to remove the causes. Conciliation was the best policy, and he would say in the words of an old divine, that nothing could come of contention but waste to all, whilst the common enemy would dance on the ashes of both.

Sir H. Douglas:—Sir, in the course of what I have to say, I shall endeavour to show, in reply to what has fallen from the hon. Member for Wycombe, first wherein consists the difference between the state of Ireland in 1843, and that period to which the hon. Member adverts; why Ireland is “now a garrison?” and I shall prove, that the union has conferred upon Ireland, great, real, and increasing advantages; but which agitation is paralysing, or frustrating. But first, Sir,—I have listened with regret and surprise to many of the speeches made by hon. Gentlemen opposite; and not without apprehension when I observe in what manner the protracted discussions in this House, and the dangerous agitations elsewhere, act and re-act on each other, to the prejudice of the public interests. As I shall have occasion to make some observations on what has fallen from hon. Members on the other side, I beg first to assure those hon. Gentlemen, and the House, that I give them full credit for the best and purest intentions; I mean no offence; I entertain great respect for the hon. Member who

has brought forward this motion; and nothing can be further from my wish or intention, than to embitter our deliberations with any breach of that respect and courtesy towards each other, which I always endeavour to observe. I shall deal with the words which hon. Members have used, according to their true meaning, signification, and weight; and relatively with the time and circumstances under which those expressions have been applied. The hon. Gentleman (Mr. S. O'Brien) assures us that he has brought forward his motion, not in behalf of agitation, but of measures. He has detailed a long catalogue of grievances, compiled from the history of Ireland, from a very remote period, and which list embodies the various peculiarities, anomalies, and imperfections, political, spiritual and social, engendered in that country by the operation of long-existing causes, which time only, and good government, can gradually remove; which any attempt to remedy suddenly, by the interference of Parliament, would probably exasperate; and some of which are not within the reach of any remedy, which it is in the power of Parliament to apply. The hon. Member says, his object is to remedy these grievances by remedial measures. What measures? The hon. Gentleman has, I believe, occupied a seat in this House for some years, and supported the Administration which, for ten years preceding that which now exists, had the power to redress, many or most, or, according to him, all those grievances of which the hon. Gentleman complains by some specific measures. Why did he not propose them to the Government he supported? Why not bring forward himself specific measures for the redress of those grievances, which he now exhibits. Why, having omitted or neglected this, does he now reproach the present Government for doing nothing? I shall pass over the minor, and more remote alleged grievances to which the hon. Member has alluded, and refer to what are called the chief modern grievances of Ireland, and, first, the Union, which is asserted to have conferred no advantages on Ireland; and secondly, Catholic emancipation, which hon. Members assert is a failure, and with which the Irish Catholics are dissatisfied, because it has not produced to Ireland the advantages which they anticipated from that concession. Whoever imagined that those who so long agitated for emancipation, as a mean, would be satisfied without attaining the end—the destruction of the Protestant



Church in Ireland; and who doubts that Repeal means the dismemberment of that empire which is regarded as the great bulwark of Protestantism in the Christian world? Mr. O'Connell has declared, that the measure of Repeal will be carried, and that without the consent of Lords and Commons, if England does not concede this, it will nevertheless be accomplished, and who are his (Mr. O'Connell's) allies in this agitation? He has, himself, given a reply, for in one of his speeches he says, "Need he tell them that the cause of the oppressed Irish commanded the affectionate sympathy of millions of their Friends on the other side of the Atlantic? That the heart of America was with them." The *animus* thus evoked as towards this country, by a certain class of politicians in the United States, is shown by an extract, which I beg leave to read, a letter from a certain Thomas Parr, secretary to a repeal association in the United States, addressed to the Irish Association.

"America has but one feeling towards that nation (England)—a feeling of deadly, irreconcilable hatred. I will say further, that I do not believe there is a single member of our Cabinet at Washington, who entertains the hope, that peace can long be preserved between the two countries. Let Ireland wait with patience her time, let her patriots and her people be firm and united in their resolve, and the martyred Emmet's epitaph will soon be written. I believe with the United States' senator, Benton (a man who bids fair to be President before long), that the man is now alive, with a beard upon his face, who will see an American army in Ireland, and an American general walking the streets of London."

The writer also declares for—

"War with England; that America may avenge the many bitter insults to which she has been so oft, by that haughty power, subjected—that she may burst the hydra folds which, boa-like, her foe is wrapping around her, and the constrictive power of which we feel oppressing and binding us at every point, from the balmy plains of Oregon to the sunny shores that border on the Bahamas, from Madawaska to the Lake of the Woods."

It is, however, creditable to the nation from which these productions have been evoked, that the mass of her people regards this country with far different feelings than those of hatred and hostility. I beg permission to read to the House the sentiments of an eminent American, the rev. Dr. Tyng, a Protestant minister, who last year visited this country. That Gentleman says,

"England's most prosperous days have been in the reigns of her Protestant Queens, in two

of which the land has been delivered from the yoke and the detestable enormities of the Bishop of Rome; and, I cannot but think, that if Victoria's life shall be preserved, it will be as an instrument of peculiar blessings to her nation. As I thought of the influence of England in maintaining the dominion of Protestant truth, in giving the Gospel to the heathen world, and the apparent dependence of her power upon the life of the Queen; and reflected upon the vast and incalculable evils which must result to mankind from the anarchy and overthrow of the power of England, which would be more than likely to arise under a long regency at the present time, I could not but settle down in the feeling, that the most important life on earth, for the general interest of man, was that of this young woman. It has struck me as an amazing providence of God, and I have often implored the shield of his protection to be around her, as I marked the dangers to which, even from a few infatuated rebels against lawful authority, she might be exposed. She needs to be shielded by universal prayer, and it is a high Christian obligation upon all who are her subjects to unite in the habitual offering. In these remarks I give just the state of my continued feelings in this connexion; and, as an American citizen, I feel myself in a condition to accord without fear the praise of its manifest excellencies to the British constitution and system of society, having no temptation to join in that coarse and Radical cry which can imagine no liberty but in the overturn of order, and no demonstration of the love of liberty, but in the unnecessary abuse of constituted authorities and dignities, and in an affected contempt of superior stations and the rights which belong to them."

The hon. Member who brought forward this motion has disclaimed any wish to defend or promote agitation. Why then has the hon. Gentleman referred to so many agitating topics? Why has he endeavoured to establish an analogy between Ireland and Canada—Canada as having attained her ends through rebellion? Mr. O'Connell, indeed, has held up Canada as an example to the Irish, by stating that the Canadians revolted and lost their constitution; but that now as a reward for their rebellion, they have got a more liberal constitution, and appear to be more favoured than any other portion of the British empire. This from Mr. O'Connell, one can understand; but why did the hon. Member advert to this topic? I have hitherto carefully abstained from saying anything on the subject of recent events in Canada; but I must now declare, that if I had any doubt as to the disastrous effects resulting from the manner and extent to which certain principles have been carried out in Canada, those

concessions, being now held up as an encouragement to Ireland to persevere in agitation, shews distinctly the dangerous tendency of what has been done in Canada. Then why has the hon. Member referred to the fact that there are in the British army 40,000 Irish soldiers, when that army may possibly be called upon to act for the preservation of tranquillity in Ireland? And why has the hon. Member spoken of that illustrious man, the Duke of Wellington, as a denationalized Irishman? Such is my opinion of Irish soldiers such my conviction of their fidelity, under all circumstances, whether in their own country, or elsewhere, that I would not hesitate to act with Irish troops, and confide as much confidence in them as with national troops. I am astonished at the term which has been applied to the great warrior and statesman to whom I have before alluded—"a denationalized Irishman!" Hear this, ye spirits of thousands of Irishmen whom he has conducted to victory! Hear this, ye nations who have been defended and protected by his valour! Hear this, a world whose liberties he has redeemed! Oh, shame on this unnatural expatriation and rejection of a man who has raised this country to such a pinnacle of glory. The hon. Member who brought forward this motion states that superficial observers think the agitation that is going on in Ireland is the work of one man. I know not whether I am deemed a superficial observer or not; but I assert that the agitation in Ireland is the work of one man. The noble Lords, the Members for London and Tiverton, and other hon. Members opposite, did nothing for Ireland, though ten years in power. The right hon. and learned Gentleman, the Member for Cork, effected nothing for Ireland in the way of redressing those grievances, of which he now complains, notwithstanding his influence with the late Government; and the only real difference between the policy of the late and present administrations with respect to Ireland, appears to be, that the former did, and the present will not, I trust, coax and caress agitators, and grant premiums on agitation. The Union is asserted to be a grievance, because "that English Legislation has gradually deprived Ireland of every branch of manufacture, for the purpose of advancing the fortunes of their own countrymen; that the people of Ireland are saddled with enormous burthens, and that there should be an impost on all English goods imported into Ireland to enable the

Irish manufacturers to compete with their now favoured rivals." A pretty species of free trade this, I recommend it to the special notice and consideration of hon. Members, free traders, opposite. I assert that the Union has produced to Ireland all the advantages that could reasonably have been expected to result from that great and most important measure; and that it is only by continued agitation that the realization of those benefits can be obstructed. I hold abundant proofs in my hand of the great and progressive benefits which the union has conferred upon Ireland, and must indefinitely produce if not interrupted by continued agitation. I will not weary the House by adducing more of the figures which prove this, than to read the first and last terms of the continued series contained in these statements, that exhibit a steady improvement in the several branches to which they relate, from the period of the Union, up to the present time. Sir, I contend that the first of all interests is that of agriculture. The first of all objects in the internal improvement of any country, should be to improve the rural economy and condition of a country and people. And this is particularly needful with respect to Ireland, the agricultural industry and condition of which are so backward, that about two-thirds of its population are employed in agricultural pursuits, or rather settled redundantly and unproductively on the land, there is about one-fourth of the territorial surface of that fertile Island left either in a waste and uncultivated state, though fit for cultivation and susceptible of great improvement. The proportion of the population of Ireland employed in agricultural pursuits, or at least settled on the land, is double what it is in England. It is stated in round numbers to be two-sevenths in England, and four-sevenths in Ireland. But, to state this more correctly, it is computed by the census of 1831, that the population of Great Britain consists of 3,414,175 families, of which 961,134 are employed in the production of food, which is in the proportion of 285 per 1,000 of population. In Ireland, out of 1,385,066 families, 884,339 are so employed, which is at the rate of 638 per 1,000. The total number of males of twenty years of age and upwards in the United Kingdom, is computed to be 5,812,276, of these there are employed in Great Britain, 1,243,057; in Ireland, 1,227,054. This shows a very backward state of agricultural condition,



and is a remarkable and important indication of what is required to improve the internal condition of Ireland. It shows that what Ireland wants above all things is a steady market for those surplus agricultural productions, which she is so capable of multiplying, and which no country would take freely, to an unlimited extent, excepting that with which Ireland is indissolubly, I hope, connected; and this leads me to show to what steady and increasing extent this advantage has been reaped, and is reaping by Ireland. I

hold in my hand a table of corn, of Irish growth, imported into Great Britain in each year, from 1800 to 1841. The returns for 1842, are not made up. The quantity imported in 1800 was 3,238 of all kinds—namely, wheat and flour, barley, oats, and oatmeal, rye, peas, beans, and malt.\* I shall not read the lines onwards; but in 1841, the total quantity of corn imported into Great Britain from Ireland was 2,855,525 quarters. It appears, therefore, that a very considerable portion of the population of Great Britain, are consumers of the pro-

\* CORN OF IRISH GROWTH IMPORTED INTO GREAT BRITAIN FROM IRELAND.

Years.	Wheat and Wheat Flour.	Barley, including Beer or Bigg.	Oats and Oatmeal.	Rye.	Peas.	Beans.	Malt.	Total.
	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.	Qrs.
1800 ..	749	78	2,411	..	..	..	..	3,238
1801 ..	150	..	375	..	..	..	..	525
1802 ..	108,751	7,116	341,151	282	113	1,655	2,303	461,371
1803 ..	61,267	12,379	266,359	753	611	1,653	25	343,547
1804 ..	70,071	2,521	240,022	206	1,078	3,060	..	316,958
1805 ..	84,087	15,656	203,302	235	1,634	2,010	..	306,924
1806 ..	102,276	3,237	357,077	330	1,389	2,361	..	466,760
1807 ..	44,900	23,048	389,649	431	1,390	3,777	..	463,195
1808 ..	43,497	30,586	579,974	573	75	2,065	..	656,770
1809 ..	66,944	16,619	845,783	425	38	2,669	..	932,478
1810 ..	126,388	8,321	492,741	20	216	3,541	..	631,227
1811 ..	147,245	2,713	275,757	21	50	4,081	..	429,867
1812 ..	158,352	43,138	390,629	178	51	5,008	..	597,256
1813 ..	217,154	63,560	691,498	420	77	4,455	..	977,164
1814 ..	225,478	16,779	564,010	4	460	5,731	..	812,462
1815 ..	189,544	27,108	597,537	207	425	6,371	..	821,192
1816 ..	121,631	62,254	683,714	43	239	5,984	..	873,865
1817 ..	55,481	26,766	611,117	..	12	2,275	..	695,651
1818 ..	105,179	25,387	1,069,385	4	10	4,768	..	1,204,733
1819 ..	153,850	20,311	789,613	2	..	3,904	..	967,680
1820 ..	403,407	87,095	916,251	134	439	8,396	..	1,415,722
1821 ..	569,700	82,884	1,162,249	550	2,474	4,959	..	1,822,816
1822 ..	463,004	22,532	569,237	353	728	7,235	..	1,063,089
1823 ..	400,068	19,274	1,102,487	198	586	5,540	..	1,528,153
1824 ..	356,384	44,699	1,225,085	112	756	5,791	1,173	1,634,000
1825 ..	396,018	154,256	1,629,856	220	1,431	11,355	10,826	2,203,396
1826 ..	314,851	64,885	1,303,734	77	1,452	7,190	1,203	1,693,392
1827 ..	405,255	67,791	1,243,267	256	1,282	10,037	572	1,828,460
1828 ..	652,584	84,204	2,075,631	1,424	4,826	7,068	853	2,826,590
1829 ..	519,017	97,140	1,673,628	568	4,435	10,445	2,011	2,307,244
1830 ..	529,717	189,745	1,471,252	414	2,520	19,053	2,820	2,215,521
1831 ..	557,498	185,409	1,655,701	515	4,142	15,029	10,888	2,429,182
1832 ..	790,293	123,639	2,051,867	294	1,915	14,530	3,229	2,990,767
1833 ..	844,211	101,767	1,762,520	166	2,646	19,114	7,017	2,737,441
1834 ..	779,505	217,855	1,769,503	983	2,176	18,771	3,864	2,792,658
1835 ..	661,776	156,242	1,822,767	614	3,447	24,235	10,357	2,679,438
1836 ..	598,757	184,156	2,132,138	483	2,920	17,604	22,214	2,958,272
1837 ..	534,465	187,473	2,274,675	1,016	60	25,630	4,174	3,080,293
1838 ..	542,583	156,467	2,742,807	628	5,232	21,584	5,001	3,474,302
1839 ..	258,331	61,676	1,904,933	2,331	1,484	11,535	2,861	2,243,151
1840 ..	174,439	95,954	2,037,835	122	1,403	14,573	3,456	2,327,782
1841 ..	218,708	75,568	2,539,380	172	855	15,907	4,935	2,855,522
1842 ..	Returns not made up.							

ductions of Irish agricultural industry. I ask what would be the state and prospects of Irish agriculture if British markets were not freely opened to those productions.

The following is not an unimportant indication of improvement in the branch to which it relates, and in the comparative progress making in Ireland in the consumption of an article which betokens increasing comfort in the scale of living.

*Number of Bushels of Malt used for making Beer by Brewers, Licensed Victuallers, &c., 1841.*

	England.	Scotland.	Ireland.	United Kingdom.
By Brewers . . . .	15,837,409	997,771	2,055,326	18,890,506
Licensed Victuallers .	9,373,026	141,830	.. ..	9,514,856
By Persons Licensed for the Sale of Beer . . . . .	3,734,288	.. ..	.. ..	3,734,288
	28,944,723	1,139,601	2,056,326	32,139,650

Now, with respect to other provisions; and first live animals, "the following is a statement of the number and value of live animals imported into Liverpool alone in the year 1839:—

84,710 Cattle	at 16 <i>l.</i> each	£1,365,360
316 Calves	" 46 <i>s.</i> "	711
225,050 Sheep	" 49 <i>s.</i> "	450,100
24,696 Lambs	" 18 <i>s.</i> "	22,202
595,422 Pigs	" 50 <i>s.</i> "	1,488,555
3,414 Horses	" 20 <i>l.</i> "	68,280
319 Mules	" 80 <i>l.</i> "	2,582

£3,397,760

I have no means of ascertaining exactly the extent of importations of live animals into other parts of the United Kingdom, but it must be something immense. With respect to manufactures, the following is the quantity of Irish linen exported from Ireland in 1800 and in 1825 in yards, subsequently to which year no separate returns have been made of the commercial intercourse between the two parts of the kingdom, being perfectly free and assimilated to a coasting trade.\*

I do not take up the time of the House in reading the intermediate columns. The increase in the linen manufacture of Ireland has since been very great. The House is aware that since the removal of all restrictions on Irish trade in 1825, that trade has been assimilated to a coasting trade, and Ireland admitted freely to all the advantages of intercourse, as an integral part of the empire, since which no separate tables have been kept. I have been obliged, therefore, to pick out the extent of her com-

mercial intercourse and amount of exportation to Great Britain and to foreign ports, by cross as well as direct returns. The exportation of linen goods and linen yarns to France for instance has increased most rapidly since the year 1825, when the commercial tables of Ireland and England were assimilated. In 1825 the amount of linen yarns imported into France was only 161 kilograms, (the House is aware that 1 kilogram is equal to 2,205 lbs. of avoirdupoise. In 1839 the quantity of linen yarn imported into France from the United Kingdom was 6,167,201 kilograms, the whole importation into France from all countries being only 6,817,421 kilograms. A very large portion of the linen yarns so exported from England to France must have been Irish yarns. So with respect to linen piece goods, the value and export of these from Ireland, besides the supply of their own market is extensive and increasing.

Years.	To Gt. Britain. Yards.	To foreign parts Yards.	Total. Yards.
1800	31,078,039	2,585,829	34,563,868
1802	33,246,933	2,368,911	35,615,844
1804	39,837,101	3,303,528	43,140,629
1806	35,245,280	3,880,961	39,126,241
1808	41,958,719	2,033,367	43,992,086
1810	32,584,545	4,313,725	36,898,270
1812	33,320,767	2,524,686	35,845,453
1814	39,539,443	3,463,783	43,003,226
1815	37,963,359	5,496,206	43,480,565
1816	42,336,118	3,299,511	45,729,629
1817	50,288,842	5,941,733	56,239,575
1818	44,746,354	6,178,954	50,925,308
1819	34,957,396	2,683,355	37,641,251
1820	40,318,270	3,294,948	43,613,218
1821	45,519,609	4,011,630	49,531,139
1822	43,226,710	3,374,993	46,601,703
1823	48,060,591	3,169,006	51,235,597
1824	46,466,950	3,026,427	49,493,377
1825	52,559,678	2,553,587	55,113,265

\* See Table (as note) following column.



The quantity of Irish linen exported from the United Kingdom in 1833, was 9,651,000 yards. The following is the value of linen goods sold in the Irish market in 1824:—

	£.
Ulster . . . . .	2,109,309
Leinster . . . . .	192,888
Munster . . . . .	110,421
Connaught . . . . .	168,090
	<hr/>
	2,580,709

With so much paternal care has this branch of Irish industry been encouraged and fostered, that the bounty upon the exportation of Irish linens did not cease till 1830. So much for Mr. O'Connell's assertion as to the alleged unpaternal disposition and conduct of the United Parliament towards the agriculture and manufactures of Ireland. But what did the Irish Parliament with respect to the woollen manufactures? Why they passed a law prohibiting the exportation of all woollen goods from Ireland except to England, whilst such were the prohibitory duties previously laid on Irish woollen goods imported into England, that they were prohibitory of that intercourse likewise. True, the Irish Parliament did this by and with the assent of the Sovereign; but this shows that there did exist, with a separate Parliament, distinct interests, which are now consolidated, and have become mutual and identical.

The manufacture of sail-cloth in Ireland is increasing rapidly. In 1833 the quantity exported had doubled within a very few years. The flax spinning trade has made gigantic progress in Ireland within the last ten years.

The extent and steady increase of the Irish foreign trade appears from the produce of the Customs' duties in Ireland, which have steadily increased, even up to the present time, whilst from similar indexes of the state of trade, with respect to Great Britain, it has either been stationary or falling-off. The following is the produce of the Irish Customs' duties from 1837 to 1843, inclusive:—

1837	1,945,000	} Customs of England and Scotland, about stationary.
1838	1,951,000	
1839	2,042,000	
1840	2,140,000	} Customs in England and Scotland, greatly fallen off.
1841	2,216,000	
1842	2,291,000	
1843	2,225,000	

The following is a table of the value of the exports from Ireland to Great Britain

from 1801 to 1825, inclusive, and the value of imports into Ireland from Great Britain during the same period:—

	Exports, Ireland to Great Britain.	Imports into Ireland.
1801	3,537,725	3,270,000
1805	4,288,167	4,067,000
1809	4,588,306	5,316,000
1813	5,410,326	6,746,000
1817	5,696,613	4,722,000
1821	7,117,452	5,338,838
1825	9,000,000	7,048,000

I read from a table now in my hands the increase in the exports of live animals and other farm produce, &c., from Ireland to Great Britain, in the year 1835, compared with the year 1825:—

*Exports from Ireland.*

Increase 1825 to 1835.	Value exported 1835.	Increase exported 1825 to 1835.
	£.	£.
Cattle, number . . . . .	31,626	} 16,696,685
Horses, do. . . . .	1,515	
Sheep, do. . . . .	53,261	
Swine, do. . . . .	310,272	
Wheat, quarters . . . . .	137,182	
Barley, do. . . . .	14,124	
Oats, do. . . . .	72,780	
Flour and Meal, cwt. . . . .	1,390,356	
Bacon, do. . . . .	16,833	
Butter, do. . . . .	352,842	
Eggs, number . . . . .	52,000,000	} 7,450,476
Flax, cwt. . . . .	109,051	
Linen, yards . . . . .	15,095,000	

By this it appears that the increase of the value exported in 1835, compared with 1825, was 7,450,476*l*. In eggs alone the value imported into Liverpool and Bristol is estimated at 100,000*l*. per annum. Poultry has become a branch of most valuable traffic to Ireland; even in feathers it is estimated at 500,000*l*. per annum.

A great increase of tonnage, inwards and outwards, attends, of course, these improvements of industry, trade, and commerce.\*

In 1817, there was only one steam vessel in Ireland, and she of 63 tons; in 1836, there were seventy-one steam vessels, 13,460 tons, running. In Scotland, only ninety-five; in England, about 380. The number of vessels built and registered in Ireland, in the years ending January, 1840, and 1842, show an increase. The total number of vessels, which stood upon the registers of Ireland in December 1839 were 1889; in 1841, 2016. There are 12,005 boats, and

\* See Table (as note) p. 857-8.

58,044 men, their crews, employed in the herring and cod fisheries in Ireland, which exceeds considerably those employed in the Scotch Fisheries; and the quantities of fish cured, and I believe those exported, steadily increased up to the last returns viz. 1840. The Newfoundland cod and seal fisheries produce annually about 728,794*l.* value; the great bulk of the population are Irish. What would be the effect on Ireland if that outlet, that profitable employment for Irish capital and redundant labour, which she now possesses as an

integral part of the British Empire, were closed by repeal—that is, by separation? Then, as indications of the prosperity of Ireland, with respect to accumulation of capital, and increase of comfort in the scale of well-being, the number of contributors to savings' banks in Ireland, in 1841, was 75,296. In Scotland, only 34,739. The amount of deposits in Ireland 2,218,239*l.*; whilst in Scotland, notwithstanding the well known providence and economy of its people, the amount deposited was only 436,000*l.*

### SAVINGS' BANKS.—(No. 13).

*An Account of the Number of Depositors, and of the Amount invested in the Savings' Banks in England, Scotland, Wales, and Ireland, made up to November 20th, 1839, and 1841.*

	Number of Depositors.	Amount of Investments.	Average Amount invested by each Depositor.
		£	£
Not exceeding £ 20 .. .. .	406,690	2,708,450	7
„ 50 .. .. .	200,202	6,150,537	31
„ 100 .. .. .	82,049	5,637,032	69
„ 150 .. .. .	27,390	3,292,115	120
„ 200 .. .. .	14,705	2,506,094	170
Exceeding 200 .. .. .	3,053	748,610	245
Number and amount of Individual Depositors in Savings' Banks .. .. .	734,089	21,042,838	29
Number and Amount of Charitable Institutions .. .. .	7,402	449,227	61
„ „ Friendly Societies.. .. .	6,905	933,747	135
Total .. .. .	748,396	22,425,812	
Of which there were invested in .. .. .			
„ „ England .. .. .	622,468	19,246,221	
„ „ Scotland .. .. .	34,739	436,032	
„ „ Wales .. .. .	15,893	525,320	
„ „ Ireland .. .. .	75,296	2,218,239	
Total in 1839 .. .. .	748,396	22,425,812	
Total in 1841 .. .. .	841,204	24,474,689	

I find in the return of the number of Loan Fund' Societies, and their rapid increase from 1838 to 1842, another very distinct evidence of improvement in the state of Ireland, exclusive of the advantages of these societies in superseding the former pernicious system of money lending at enormous interest, as practised by small usurers.\*

The balance on the transfer of stock on funded capital, is another important indication which I may notice. In the year 1842, the balance in favour of Ireland on the

transfer of stock was 3,672,000*l.* The Revenue received for Stamp Duty on legacies,

Years.	Number of Societies rendering Accounts.	Total Circulation.	Net Profits applied to Charities.
		£	£
1838	50	180,526	2,547
1839	157	816,473	11,047
1840	215	1,164,046	15,477
1841	276	1,500,533	14,853
1842	307	1,738,067	18,967

\* See Table (as note) next column.



probates, administrations, and testamentary inventories, increases steadily in Ireland, and in a higher ratio, than either in Scotland or England.

REVENUE received in the United Kingdom for Stamp Duty on Legacies, Probates, Administrations, and Testamentary Inventories, in each Year, from 5th January, 1823, to 5th January, 1836.

YEARS.				ENGLAND & WALES.	SCOTLAND.	GREAT BRITAIN.	IRELAND.
1824.				£	£	£	£
Legacies	..	..	..	930,881	50,359	981,241	16,296
Probates	..	..	..	782,042	38,556	820,599	29,411
1825.							
Legacies	..	..	..	988,087	61,370	1,049,458	23,552
Probates	..	..	..	805,222	46,718	851,940	31,112
1826.							
Legacies	..	..	..	992,100	64,805	1,056,906	30,258
Probates	..	..	..	831,137	43,374	874,511	34,552
1827.							
Legacies	..	..	..	869,208	54,114	923,323	21,053
Probates	..	..	..	762,459	52,578	815,037	38,102
1828.							
Legacies	..	..	..	967,377	65,676	1,033,053	35,750
Probates	..	..	..	830,800	37,989	868,789	32,166
1829.							
Legacies	..	..	..	1,105,250	65,043	1,170,294	27,557
Probates	..	..	..	833,744	43,850	877,594	41,659
1830.							
Legacies	..	..	..	1,119,936	58,773	1,178,709	29,325
Probates	..	..	..	835,273	42,709	877,982	46,400
1831.							
Legacies	..	..	..	1,153,305	69,954	1,223,260	24,628
Probates	..	..	..	857,909	46,029	903,938	37,125
1832.							
Legacies	..	..	..	1,075,264	69,194	1,144,459	19,353
Probates	..	..	..	833,592	43,346	876,939	41,728
1833.							
Legacies	..	..	..	1,123,800	81,252	1,205,053	25,974
Probates	..	..	..	803,911	41,268	845,179	39,508
1834.							
Legacies	..	..	..	1,093,343	56,674	1,150,017	25,463
Probates	..	..	..	839,041	46,422	885,463	38,543
1835.							
Legacies	..	..	..	1,140,229	69,509	1,209,739	29,273
Probates	..	..	..	864,393	67,455	931,848	44,324
1836.							
Legacies	..	..	..	1,106,364	72,518	1,178,883	27,284
Probates	..	..	..	848,066	51,544	899,611	40,996

The monthly average amount of promissory notes, payable to bearer on demand, in circulation, in the United Kingdom, as given in the annexed Table, for the year 1842, show as well with respect to the Bank of Ireland, as to private and Joint Stock Banks there, very satisfactory evidences of prosperity with reference to the

like transactions in England and Scotland.\*

With respect to education, the following is a statement of the number of schools, and the number of scholars educated therein, from the 1st report of the commissioners

\* See Table (as note) p. 859-60.

dated 31st December, 1833, to the 9th report dated the 3rd of December, 1842.

Number of Report.	Number of Schools.	Number of Scholars.
1	789	107,042
2	1,106	145,521
3	1,181	158,000
4	1,300	167,000
5	1,384	170,000
6	1,581	193,000
7	1,978	233,000
8	2,337	288,000

The system, as the report expresses it, is that of the State, admitting and encouraging a union of Protestant and Roman Catholic children in the same school, for such an education as may fit them for those civil duties, which they, in after-life; will have to perform together, separating them only, for instruction in those religious duties which they have to discharge separately; thus inculcating on them, as Members of the same civil community the great principle of Christian charity, which may bind them together by mutual feelings of attachment and good-will. The number of domestic servants, in proportion to population, is another evidence of the comparative well-doing and ease of the middle ranks. In Ireland, the number of female servants

in domestic employment, per thousand of population, is sixty-three. It is but little more, namely, seventy-seven in England. Of male servants, per thousand of population, there are twenty-six in Ireland, and only sixteen in England. Then with respect to the state and movement of population, it appears, that although industry and production in Ireland may be increasing, the population increases in a higher ratio. Notwithstanding Mr. O'Connell's assertion that the population of Ireland has fallen off since the Union, it appears by official returns to have increased from 6,801,827 in 1821, to 7,756,365 in 1831, and to 8,175,238 in 1841 by calculation. For this redundancy, and movement, Ireland, associated with England, possesses unlimited outlets by emigration to British Colonies, and by emigration to Great Britain. It appears by the annexed return, that 32,500 persons emigrated from Ireland, in 1842, out of 118,500, the whole amount of emigration from the British islands, in that year. In proportion as an active state of industry in the colonies may insure steady employment for emigrants, the redundancy of labour in Ireland will find beneficial outlets in those receptacles which, to boundless extents, Great Britain possesses. What would Ireland, do if deprived of those outlets by repeal of the Union, for repeal means dismemberment?

### EMIGRATION.

*A Return of the Number of Persons who have Emigrated from the United Kingdom during the Year ended 5th January, 1842.*

		England.	Scotland.	Ireland.	Total.
To America	United States ..	39,066	2,058	3,893	45,017
	Texas and Central America ..	152	..	..	152
N. America Colonies :	Canada .. ..	6,090	3,730	16,542	26,362
	New Brunswick ..	358	250	6,683	7,291
	Nova Scotia and Cape Breton ..	618	1,693	33	2,344
	Newfoundland ..	78	48	210	336
	Prince Edward's Island ..	325	885	621	1,831
West Indies ..	Jamaica .. ..	1,111	162	..	1,273
	Cape Good Hope ..	368	..	..	368
	Other West India Islands ..	759	208	26	993
Australian Colonies ..	Sydney .. ..	12,288	2,990	2,214	17,492
	Port Philip ..	5,721	1,967	2,206	9,894
	Other Ports ..	1,292	56	..	1,338
	New Zealand ..	3,888	13	..	3,991
Total Number of Emigrants ..		72,104	14,060	32,428	118,592



Then with respect to the periodical migration of Irish labourers into England, it appears, that the number resorting to Liverpool alone, has been, on an average, eight thousand annually, previous to the present year; and it is estimated that each man takes back, of the savings of his labour, about 5*l*. The periodical migration to all parts of Great Britain is estimated at 40,000; so that at these rates, Irish labourers take back to Ireland about 40,000*l*. from Liverpool, and about 200,000*l*. including the whole of Great Britain. It is very remarkable, that during the present year, there has been a falling-off of at least 40 per cent. in the number of Irish labourers arriving weekly in Liverpool from Dublin alone. This, no doubt, is partly owing to the depressed condition of our manufacturing population, by which they are driven to seek for agricultural labour; but here, too, agitation, has been greatly prejudicial to the Irish labourer, by inducing him to sacrifice this periodical and very beneficial migration from the absurd expectations held out by agitators to the deluded peasantry, that their condition at home is about to be permanently benefitted by Repeal. The statistics of the population of the British empire, afford many curious and instructive figures, as to the extent of the three kingdoms in square miles, the quantities of land cultivated and uncultivated, unfit, or fit for cultivation. the increase of population and the proportion of population employed in agriculture and manufactures, and in other branches of industry.

The total number of males of twenty years of age, and upwards, employed in agriculture in Ireland, as occupiers employing labourers, occupiers not employing labourers, and labourers, was, by the last census, 1,227,054, as I have already shown. The number employed in manufactures, or in making manufacturing machinery, was 404,319 in Great Britain, and only 25,746 in Ireland. The numbers employed in retail trade, or in handicraft, as masters or workmen, was 1,159,867, in Great Britain; in Ireland, 298,838. Of capitalists, bankers, professional, and other educated men, there were in Great Britain 214,390; in Ireland, only 61,514. Of labourers employed as miners quarriers, fishermen, porters, &c., there were in Great Britain 608,712; in Ireland only 89,876. Of other males, servants excepted, there were in Great Britain 235,499; in Ireland, 110,595. Of male servants in Great Britain,

78,669; in Ireland, 54,142. These totals together making 5,812,276, being the total estimated number of males of the age of twenty years and upwards in the United Kingdom, for the year, 1831. These are very important facts, suggesting and indicating what is really required for the internal improvement of Ireland, but I confine myself at present to the agricultural condition of that country to the very backward state of that great industry there, the want of capital, and the unproductive manner in which labour is applied to the land—redundant, dense, distressed, contributing nothing to the revenue, as consumers of dutiable articles, whilst no less than, as it appears by the subjoined table, one-fourth of the soil of Ireland is uncultivated, and of that fourth, one-half fit for production.\* Then it is alleged, that Ireland is charged with an undue and unfair proportion of the Public funded Debt, and for payment of the interest. The total of the Capital Debt, of the United Kingdom, is 774,319,913*l*., of which that charged to Great Britain, is 740,220,694*l*., and that to Ireland 34,099,219*l*. The charge for interest due to the Public Creditor in Great Britain is, 27,357,330*l*., and in Ireland 1,183,845*l*. which, per head of population, is, for Great Britain, about 30*s*. and from Ireland about 3*s*. per head.†

The revenue raised in Ireland, per head of population, is about 12*s*. and in Great Britain about 51*s*. per head. Then Ireland is exempt from the Income-tax, which according to Sir Robert Peel's estimate would produce 3,771,000*l*.; but which is found to be yielding considerably more; and Ireland is likewise exempt from assessed taxes, which, in England, amount to 4,457,060*l*., and in Scotland to 258,293*l*. I have here extracts from various reports on the formation of roads in Ireland since the Union; and on the improvement of river, and other inland navigation; and the progress of other public works. I will not take up the time of the House by reading what must be well known to the generality of hon. Members; but I may, in particular, refer to the reports of 1822, showing the desolate and disorderly state of the fertile plains of Limerick, Cork, and Kerry, compared with the improved state of the same district in 1829. The vast improvement in that part of the county of Kerry where—

\* See Table p, 861-2. † See Table p, 863-4.

"A few years before the date of the report (1824) there was hardly a plough, car, or carriage, butter carried to Cork market on horse-back, and the nearest post-office thirty miles distant."

I advert too, to the very satisfactory reports of the Commissioners of public works in Ireland, on the great benefits which that country has derived from the construction of roads carried on by the aid of Government contributions through extensive poor uncultivated districts. I have here proofs of the effect of opening new lines of inland navigation, report of the committee of 1830, and the vast advantage to agriculture which such improvements have produced, more particularly, by reducing the enormous cost of conveying agricultural produce to Dublin, by which that city has become one of the first corn ports of Europe, and export port of all descriptions of home produce. I may advert to the improvements that have been made in the navigation of the Shannon by Parliamentary grants of no less than 21,000*l.* from the year 1818 to 1820. The total amount of Parliamentary grants for public works in Ireland since the Union. But, Sir, the vast advantages which the legislative Union has conferred, is conferring, and, if not disturbed, must confer upon Ire-

land; gradually correcting and removing, all those ills which have been engendered there, by long existing causes and peculiar circumstances, this steady course of improvement is obstructed, and even thrown back. Agitation, or rather agitators, unmindful of the advantages which Ireland possesses, are proceeding to a frightful extent to frustrate or defeat this course of improvement. Whatever be the grievances which in such a state of prosperity Ireland may yet have to complain of, whether these be real, or unreal, speculative or social, I, for one, will never consent to make any concession or even to take these into consideration with a view to concession, so long as this audacious, if not rebellious agitation continues. I know well enough the effects of conceding any thing to agitation; how vain and dangerous it is to attempt to coax and conciliate agitators, who invariably, when they have gained their ends, must ungratefully assert that what may have been conceded was extorted from fear, and not obtained from favour. I, for one, will never be a party to this or any thing that may deprive concession of the grace, and favour, and dignity in which it should always be clothed, and so convert it into outright capitulation, surrender, and prostration to faction and cabal. Sir, I respect Ireland, and I love the Irish.

*Statement of the Number and Average of Vessels, including their repeated Voyages, that entered the Ports of Great Britain from Ireland, and that left the Ports of Great Britain for Ireland, with Cargoes, in each Year, from 1801 to 1837.*

Years.	Inwards.		Outwards.		Years.	Inwards.		Outwards.	
	Ships.	Tons.	Ships.	Tons.		Ships.	Tons.	Ships.	Tons.
1801	5,360	456,026	6,816	582,033	1819	8,575	699,885	9,751	795,495
1802	5,820	461,328	5,540	449,350	1820	9,229	783,750	8,451	734,716
1803	5,796	504,884	5,656	502,279	1821	9,440	819,648	9,266	801,007
1804	5,643	490,455	9,148	557,279	1822	9,562	832,927	9,935	828,114
1805	6,306	566,790	6,875	598,720	1823	9,382	786,637	9,937	814,383
1806	6,907	578,297	7,032	586,728	1824	7,534	615,396	10,989	905,449
1807	No Returns found.				1825	8,922	741,182	10,981	922,355
1808	8,477	768,264	7,560	696,473	1826	6,388	632,972	11,599	1,055,870
1809	7,041	600,898	7,011	580,587	1827	7,411	737,752	11,083	1,044,093
1810	8,403	713,087	9,121	763,488	1828	8,790	923,505	12,339	1,167,280
1811	9,014	789,097	8,216	703,738	1829	8,922	906,158	13,478	1,286,168
1812	10,812	925,736	10,053	867,342	1830	8,455	880,965	13,144	1,245,647
1813	8,569	718,851	9,096	773,286	1831	9,029	921,128	13,158	1,246,742
1814	7,562	613,898	8,719	715,171	1832	9,705	1,026,613	14,694	1,417,533
1815	8,462	680,333	9,602	776,313	1833	9,476	1,041,882	14,227	1,378,556
1816	7,575	621,273	8,861	721,772	1834	10,026	1,100,389	14,560	1,440,617
1817	9,186	770,547	9,530	762,770	1835	10,116	1,138,147	14,608	1,473,255
1818	7,969	644,896	8,863	763,622	1836	9,820	1,179,062	14,725	1,490,788
					1837	10,299	1,202,104	16,347	1,585,624



I have, throughout life, had intimate intercourse with Irish people of all classes, and in all relations, professional, social, civil, and political. Many of the most valuable friendships I have formed in life, are with Irishmen; I owe my life to an Irishman. There is nothing I would not do for Ireland and for Irishmen, but that of listening to, or appearing to be intimidated by popular menace, agitation and violence. Let this cease, and I shall be one of the first to go in this spirit into the most friendly and anxious consideration of every thing that Ireland or the Irish people may have to complain of. Not only is agitation proceeding to a dangerous length in Ireland, threatening the dismemberment of the empire, but is moreover professedly at work on almost every other important branch, attacking all the great principles by which this great empire has been raised, and by which only can it be maintained in all its integrity. There is agitation for the total repeal of the Corn-laws that would be the ruin of British agriculture. There is agitation for the abolition of all differential duties which practically means the abolition of the colonial system: then for the repeal of all protecting duties that would ruin or still further depress all British industry. Then there is agitation to reform the Reform Bill, by a species of political philosophy, which, instead of increasing the controlling and regulating powers of the constitution, to counter balance the increased popular power which that measure has conceded would still further concede force to popular movement, by the Ballot, Universal Suffrage, and short Parliaments.

Then there is agitation to dissolve the connection between the Kirk of Scotland and the State; to overthrow the Protestant church in Ireland, which assuredly would lead to the overthrow of this Protestant monarchy. These Sir, are the perils of the empire, therein consist manifestly, the danger to which, if not firmly met, this great country is exposed; namely, that this great empire, after having withstood a world in arms, and defied all shocks from without, is in danger of being ruined from within. If these violent proceedings do not cease, if hon. Members do not take care what they say, the impression that has already been produced, will gain strength abroad, that this country is in a declining and tottering state. But, Sir, as England's most prosperous days were under the reign of Protestant Queens, so may we, under the present illustrious Sovereign, adhering firmly to all the great principles by which this great empire was created and the Protestant monarchy of this country established, not only maintain this great empire, in all its integrity, uniting a long succession of Protestant sovereigns; but further extend and consolidate this great Protestant power. Sir, with a deep sense—a distinct perception of the great and now manifest dangers that may, and, as I think, must ensue, unless this House, negating this motion, express, moreover, their reprobation of the agitation now proceeding to so fearful an extent in Ireland, I am desirous of recording my opinions with my vote, in rejecting this motion. I should be sorry to put formally or press to a division any amendment em-

		ENGLAND.			SCOTLAND.	IRELAND.		Total.	Bullion in Bank of England.
		Bank of England.	Private Banks.	Joint Stock Banks.		Bank of Ireland.	Private and Joint Stock Banks.		
1842.		£	£	£	£	£	£	£	£
January	21	16,293,000	5,478,189	3,042,197	3,070,075	3,205,875	2,515,677	33,605,013	5,629,000
February	18	17,402,000	5,532,541	3,068,901	2,922,882	3,279,075	2,634,039	34,739,421	5,602,000
March	18	16,894,000	5,299,455	2,990,986	2,811,109	3,188,750	2,407,625	33,591,925	6,281,000
April	15	16,674,000	5,289,050	3,047,656	2,670,290	3,074,125	2,559,556	33,014,677	7,006,000
May	13	18,404,000	5,482,189	3,160,900	2,590,715	3,100,625	2,111,322	34,849,751	7,082,000
June	10	17,891,000	5,365,654	3,101,540	2,951,383	3,093,900	1,963,152	34,366,639	7,383,000
July	8	17,543,000	4,995,594	2,850,532	2,887,038	2,901,525	1,769,184	32,946,873	7,346,000
August	5	19,708,000	5,166,581	2,939,195	2,715,680	2,892,775	1,680,987	35,303,218	8,883,000
September	2	20,351,000	5,150,628	2,823,090	2,674,835	2,831,750	1,632,617	35,463,920	9,570,000
—	30	19,914,000	5,098,259	2,819,749	2,618,549	2,806,025	1,663,012	34,949,594	9,816,000
October	28	19,503,000	5,488,661	3,064,539	2,743,795	3,041,150	2,002,781	35,843,929	9,801,000
November	25	20,104,000	5,434,822	3,196,964	2,891,865	3,162,200	2,126,829	36,916,680	9,907,000
December	23	18,841,000	5,085,885	3,001,590	3,091,228	3,138,525	2,104,855	35,263,083	10,511,000
Total	£	229,722,000	68,867,491	39,107,839	36,669,444	39,716,300	27,071,639	450,854,713	105,817,000
Monthly Average		17,670,923	5,297,499	3,008,295	2,820,726	3,055,100	2,082,433	34,681,131	8,101,307

bodily those opinions which might prolong a discussion already so protracted, and shall therefore only move *pro forma*,

"That this House, ever ready to take into consideration any real practical grievances of which any portion of the people of this country may complain and represent in an orderly and constitutional manner, but deprecating and condemning the agitation and excitement which now prevailed in Ireland to an extent tending to disturb the public tranquility, to endanger the lives and property of her Ma-

jesty's subjects, and to set all government at defiance, deem it their bounden duty to postpone all further discussion on the question now before the House until all agitation shall have ceased, and perfect order be restored; that this House resolves to support her Majesty's Government in whatever measures may be necessary to effect this by a prompt and vigorous execution of the existing laws, and moreover, to concur in arming her Majesty's Government with such extraordinary powers as may be efficient to put a stop at once to proceedings and movements which can no

*Territorial Surface of Great Britain and Ireland, exhibiting the Amount of Cultivated Lands in Statute Acres, of Land capable of Cultivation, and Land unfit for production of Grain, Vegetables, Hay, or Grass.*

## ENGLAND.

COUNTIES.				Cultivated.	Uncultivated.	Unfit for	Summary.
All	..	..	..	25,632,000	3,454,000	3,256,400	32,342,400

## WALES.

All	..	..	..	3,117,000	530,000	1,105,000	4,752,000
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## SCOTLAND.

All	..	..	..	5,265,000	5,950,000	8,523,930	19,738,930
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## IRELAND.

Antrim	..	..	..	336,400	218,870	119,136	
Armagh	..	..	..	166,000	92,430	51,233	
Carlow	..	..	..	173,000	34,000	15,021	
Cavan	..	..	..	265,400	160,500	61,720	
Clare	..	..	..	579,000	104,400	38,044	
Cork	..	..	..	1,188,000	361,000	150,056	
Donegal	..	..	..	507,000	417,920	175,951	
Down	..	..	..	349,000	126,170	89,481	
Dublin	..	..	..	159,130	49,920	21,070	
Eastmeath	..	..	..	465,000	40,120	26,078	
Fermanagh	..	..	..	254,000	120,500	34,689	
Galway	..	..	..	829,200	532,040	242,479	
Kings	..	..	..	556,300	348,410	144,483	
Kildare	..	..	..	259,990	87,670	35,875	
Kilkenny	..	..	..	403,100	58,100	25,369	
Kings	..	..	..	341,310	80,900	34,954	
Leitrim	..	..	..	222,250	128,200	64,189	
Limerick	..	..	..	460,000	114,110	52,425	
Londonderry	..	..	..	279,400	172,070	80,214	
Longford	..	..	..	121,900	41,460	53,963	
Louth	..	..	..	157,000	12,000	10,415	
Mayo	..	..	..	502,900	565,570	212,302	
Monaghan	..	..	..	257,000	12,000	21,952	
Queens	..	..	..	311,100	47,120	22,966	
Roscommon	..	..	..	348,000	122,460	91,113	
Sligo	..	..	..	143,500	189,930	66,953	
Tipperary	..	..	..	693,200	113,490	92,327	
Tyrone	..	..	..	539,900	135,020	91,988	
Waterford	..	..	..	348,500	41,220	33,016	
Westmeath	..	..	..	287,330	51,200	36,581	
Wexford	..	..	..	340,470	156,200	58,828	
Wicklow	..	..	..	281,000	162,000	61,792	
				12,125,280	4,900,000	2,416,664	19,441,944



longer be permitted with a due regard to the peace of Ireland, to the integrity of the State, and to the safety, honour, and welfare of the country, and the dignity of the Crown." [*A cry of "Move, move."*]

Mr. *Killiers Stuart* would tell the hon. and gallant Member that no individual in any way connected with Ireland would accept the offer he had chosen to make. The people of Ireland asked no favour of that House; but they demanded it as their undoubted right that they should be placed on the same footing as the people of Scotland and England, and they never would consent to have any measures for that purpose conceded to them as favours. He would ask the hon. and gallant Member whether he really thought that the course which he had that night pursued, and the language which he had used, was likely to allay the excitement which existed in Ireland. If the hon. Member really thought so, sure he (Mr. Stuart) was that there was no other Member of that House of the same opinion. He had listened to the speeches of the two Members of the Government who had addressed it on that question, and it appeared to him that their object was rather to defend and strengthen the Government, than to refer to the condition of Ireland. Instead of dwelling upon those matters which they conceived would strengthen them as a party and a government, they should rather look to the adoption of such measures as would lead to the allaying of agitation, and to the establishment of the union of the empire. He admitted that there were circumstances existing in the social situation of Ireland which involved considerations and matters of the greatest difficulty.

He confessed that he had heard with regret one part of the speech of his hon. Friend the Member for Limerick—namely, when he seemed to impute most of the evils of the social state of Ireland to the conduct of the landlords. He believed that if there was a repeal of the Union tomorrow, those evils of the social system would not be removed. One of the greatest evils that could afflict a country was such a state of poverty as existed in Ireland, where pauperism affected not merely its thousands but its hundreds of thousands, and he feared that he must say, even millions. When large masses of the people were in this condition, it was, perhaps, not altogether surprising that they seized upon almost any means which they thought could better their condition. Much of the present state of things was attributable to the legislative measures that were passed with respect to Ireland. Acts of Parliament were passed, as was alleged, for the promotion of true religion, which prevented the Catholics from acquiring the possession of property. You did everything in your power to prevent their obtaining wealth, or employing capital in trade and manufactures in a way that would prove a source of profit to them; and by such laws you succeeded in making the bulk of the population little more than serfs engaged in the cultivation of the soil in the worst possible way. When you let a man know that he must consider his condition as being fixed for life when he obtained possession of half an acre of land, it led to much mischief in the social condition of the country. He was very far from saying that there were not instances of mischievous

*The Revenue of the United Kingdom for the year ending 5th January 1842.*

	England and Wales.	Scotland.	Ireland.
	£.	£.	£.
Excise . . . . .	11,082,955	2,245,230	1,274,661
Customs . . . . .	19,405,651	1,864,793	2,224,929
Stamp Duties . . . . .	6,279,530	549,385	447,445
Assessed Taxes . . . . .	4,457,060	258,293	Exempt.
Post Office . . . . .	1,260,788	108,345	126,406
	42,485,984	5,026,046	4,073,441
Add Scotland . . . . .	5,026,046	Scotland . . . . .	5,026,046
		England and Wales . . . . .	42,485,984
Revenue of Great Britain	47,512,030	United Kingdom . . . . .	51,585,471

proceedings on the part of the landlords of Ireland; but he believed that the evils that had resulted from that source were small in comparison with the evils which had arisen from the system of legislation that was pursued with respect to Ireland during the last century. What he would particularly urge upon the attention of the House was the state of the church. The Parliament might legislate as it pleased upon all other matters, but he would tell them that until they removed the crying injustice of the state of the church in Ireland, they never could do anything permanently to establish tranquillity. It was better that England should well understand this state of things than to let this evil go on increasing. He would appeal to those who had watched the state of affairs in Ireland, whether the existence there of a church of great wealth, which belonged to a comparatively small number of persons, and to which the great bulk of the people, who professed another religion, had largely to contribute, was not an anomaly, and contrary to what existed in England or Scotland? He would ask whether this must not strike the minds of every man, and above all that of an Irish Catholic? It was most monstrous that any legislature should force on a people a state religion to which so few of them belonged. This it was, that had given rise to the ill feeling which existed in the minds of the Irish people towards this country, and the House should never expect that this feeling would be allayed until something was done with respect to the church. He had no wish to pull down the church, with the view of handing over the tithes to the landlords, for it appeared to him that the tenth of the produce, which was now applied to the support of the church, did not, and ought not, to belong to the landlords, but that it might be applied by the Legislature for the public benefit, and, above all, for the instruction of the people. As the Protestants were far from being the largest portion of the community, he thought that a large portion of the amount should be appropriated to the Roman Catholics. He did not know whether the Roman Catholics would accept this or not; but in making the offer we should only be doing justice. In Scotland they had recently seen large numbers of people, who from conscientious feelings had left the Church, who had raised large sums

for the purpose of erecting new places of worship. Now, supposing that a change such as he had alluded to took place, he did not think that this would be necessary. He believed, that the edifices of the churches might still be retained to the Protestant Church; and all that was requisite was to provide funds for the maintenance of worship. There were different ways of carrying this out, but he would suggest, that first of all the bulk of the tithes should go to the Catholic Church. He was not favourable to the voluntary system, and he therefore would suggest, that there was no reason why the Protestant proprietors should not give another tenth for the support of their own Church. He thought, that they might take a lesson from Canada, where it was determined that the Protestant lands should alone be charged to contribute towards the maintenance of the Protestant Church. He believed, that true religion would be better promoted by the adoption of the course which he had just suggested than by the continuance of the present system. Great advantage would result if they gave greater power to the local boards in Ireland. It would be beneficial also if the grand jury system was altered, and country boards established in their place, to which might be intrusted the expenditure of the large sums now at the disposal of the grand juries, and that matters of local improvement might be left to them. If the suggestions which he had thrown out, and others were acted upon, Ireland, instead of being a thorn in the side of England, would be the means of affording strength and support.

Captain Rous was rather anxious to address the House, for he differed very much from many of his friends around him, and also he believed with the great mass of his constituents. He did not believe that the Arms Bill would at all contribute to the tranquillity of Ireland. The first measure of this kind emanated from the Irish Parliament, it had been continued by successive administrations, and he believed that measures of this kind had several times been brought forward by hon. Gentlemen opposite, and had received general support. When, therefore, he heard the hon. Gentleman oppose this measure in such strong terms, he would tell them the more violent the abuse they lavished on this bill, the greater was the shame to them for not having opposed it on



previous occasions. The only exception was the hon. Member for Montrose, who, when her Majesty's late Government had succeeded in giving the Cerberus of agitation a sop, and therefore thought they could press this measure forward, alone came forward to oppose it. In all Legislation with regard to Ireland her Majesty's Government was tied by the leg by the bigotry of the Presbyterian Church in Scotland, and of the Protestant Church in England, and of nearly all the supporters of Government. He believed that the noble Lord the Member for the City of London would have gone much further if he had dared when he brought forward the appropriation clause. He, however, did much, for the noble Lord pacified the great agitator for a time, and the great agitator managed to pacify the country, and, thank God, they had some years of tranquillity. The last Government did what it could for Ireland, and it did not do more because its hands were tied by the bigotry of the churches, and he believed also that the present Government would do even more than the last if its hands were not tied up. He was fully aware, if the Members of the Government gave expression to such opinions as he had now uttered, that they might regard their places as not worth twenty-four hours' purchase. The noble Lord was fully aware of this when he proposed his appropriation clause, and he feared that the present evil state of things must exist as long as opinion continued as it was in England and Scotland. It had always appeared to him to be an extraordinary matter that, when Catholic emancipation was under discussion, men of the greatest eminence and ability should come forward and talk of the measure as if it were the whole extent of the demand of the Catholics of Ireland. A man who could sincerely entertain such an opinion must have been totally ignorant of human nature and the principles that had ever been apparent in the government of a nation. When you gave Catholic emancipation you acknowledged that you owed much more, and that that was only an instalment of the debt. It was like a case between two private individuals. In the first place, a claim was made for 1,000*l.*; the justice of this was denied. A payment was, however, made of 500*l.*, and by this the whole amount of the debt was acknowledged. The Legislature persisted in continuing

an ecclesiastical establishment the revenue of which was, say 500,000*l.*, applied, not for the religious instruction of seven millions of people, but for the advantage of 350,000. At the same time this enormous revenue was most improperly divided, for instances occurred of livings of 1,500*l.* a-year where there was little or no duty to perform. This was the common sense of the matter, and the House could not, as men of reason, expect that the people would pay a farthing willingly for the continuance of such a system. He knew that the war cry of many Gentlemen near him was "No Popery," and "Protestant Ascendancy." Now, what had been the effect of this so-called Protestant ascendancy in Ireland? In 1800 the proportion of Protestants to Catholics in that country was as one to three. At the present time they were one to six and a half. Notwithstanding this cry of "Protestant ascendancy, it had not been successful. It had failed entirely, and he was not sorry for it. He knew that there were many most respectable men, of the fairest and most honourable character, who had been induced to indulge in these cries of "No Popery," and "Protestant Ascendancy," and who exclaimed that, rather than give way on any further point to the claims of the great body of the people of Ireland, the Boyne should again run with blood. He could only compare a howling cry of this kind to the screech of a flock of wild geese. When hon. Gentlemen complained of the dissatisfaction of the bulk of the Irish people, he would beg to ask them what would be their feeling if they were called upon to contribute towards a Catholic church. Under such a state of things they would manifest some signs of disaffection to the British Government, and he believed that many who were now red-hot Tories would become Repealers. This was not extraordinary, for human nature was the same all over the world. He begged the House also well to consider, that that which, if now conceded, would be accepted as a boon, might, and would no doubt at some future period, be forced from them. The only safe mode that the House could proceed on in legislating for Ireland, was to make the people understand that their welfare and your welfare were identical, and that your God was their God. This was the only rule that could be safely acted upon in the com-

mand of a ship—this was the only regulation that could be enforced in the command of a regiment, and this was the only sound and safe principle to act upon in the Government of a nation. He did not come forward in that House in the character of a demagogue, or with the view of gaining popular applause, all that he was anxious about was to perform what he conscientiously believed to be his duty. He had advocated a cause which he believed to be just towards God and man, and to do all in his power to preserve harmony between two countries whose mutual interests and welfare were so closely mixed up together. If the people of Scotland and of England would only allow her Majesty's present Ministers to act in conformity with the course which he believed they would pursue, towards Ireland, that country would be made an honour, a credit, and a blessing to the nation.

Sir W. Somerville had just returned from Ireland, and could state, that the utmost which had been said with respect to the agitation prevailing in that country, was not in any degree exaggerated. The question of Repeal had sunk deep into the souls of the Irish people, and there was a general conviction among them that the object for which they were now contending was within their grasp. Awful would be the responsibility of the Government, and of Parliament, if they did not, without further delay, step forward in a spirit of decided conciliation and concession. It was lamentable to contemplate the difference which the present state of Ireland presented with its aspect in the time of the late Government. He was willing to admit, indeed, that there were causes of the existing discontent in Ireland which were unconnected with the present or any other Government—which were, to a certain extent, beyond their reach; but he would charge it against the present Government that they had given every obstruction to every attempt of the late Government to do good to that country, and that they had increased its evils by their mischievous legislation. It was expected that from the time of the passing of the Emancipation Act all religious distinctions should cease. He charged it upon the present Government that they had falsified that hope, and thereby forced the people of Ireland into agitation more vehement than ever. He charged it upon

them that they had wrongfully and most mischievously obstructed the appropriation clause, though the sole object of that clause was that, after all the purposes of the Established Church were amply provided for, the surplus of ecclesiastical revenues should be devoted to the purposes of popular education, and other great national purposes. He charged them with having limited the franchise for the people of Ireland, for no other reason than that they were Roman Catholics. He had heard the right hon. Member for the University of Dublin say, there should be some test of property. True, there should be; but why should that test be higher in Ireland than in England, the richer country; and why should difficulties be thrown in the way of the Irish elector exercising his rights? Nor were they satisfied with obstructions; they proceeded to active measures. The noble Lord, now Secretary for the Colonies, came down in a great hurry with his Registration Bill, a measure which he said would not brook an hour's delay, though, since he had been in office, not a word had been heard of it. Then, as to the appointments made by the present Government in Ireland. The moderation of those appointments had been much lauded by hon. Gentlemen. He had never been able to understand in what this moderation consisted. The right hon. Baronet, the Secretary for the Home Department, took great credit to himself for upholding the system of national education in Ireland, yet, with the single exception of Mr. Sergeant Green, all the persons they had appointed to offices in that country, whether in the law or in the Church, were decided opponents of that system. With reference to the Poor-law in Ireland, again, at the very moment when, most unfortunately, that measure had become so unpopular in that country, the present Government introduced an enactment increasing to a great extent the number of *ex officio* guardians at the expense of the public. If Ministers had set to work to devise mischief, they could not have effected their object more efficiently. And what were they doing now? In the midst of all the fearful excitement now agitating Ireland, they were seeking to introduce into the Arms Bill provisions which had never been considered necessary in the worst times of insurrection. Their conduct with reference to the Repeal



agitation had been vacillating in the extreme. For some time they did not seem to know what to do—whether to fold their arms, or to attempt something; and when at last they did take some step, what was it? They dismissed magistrates in a manner which, while it added greatly to the dissatisfaction of the public, answered the purpose in view not a whit. They went on no principle whatever; magistrates were dismissed for attending a dinner one day, and the next it was announced that magistrates might attend dinners but they must not attend meetings. Then, as to the troops: soldiers were marched here to day, there to-morrow, countermanded the next; steamers despatched backwards and forwards, up and down, without any apparent object, certainly with no beneficial result, except this, that whereas the present Government had been hitherto neither loved nor respected in Ireland, they were now not even feared; but had made themselves utterly ridiculous, the laughing stock of the country from one end to the other. At the head of the social grievances of Ireland was the relation, in its various bearings, between landlord and tenant, a grievance for which, indeed, Government was held responsible, but towards remedying which it might certainly do something; and he was convinced that the great body of the landlords in that country would readily come in to any measure which appeared just, reasonable, and practically beneficial. The great political grievance of Ireland was the state of the franchise. The Reform Bill required to be thoroughly reformed in many respects, more particularly in reference to the existing evils of the perpetuation of the Dublin freemen, and the enormous fabrication of rent charges. Another great grievance of Ireland, was the fact that the whole of its ecclesiastical revenues were appropriated to the support of the clergy of a small portion of its population. He was prepared upon this point to express his conviction that the Protestants of Ireland, as a body, so far from resisting to the death, as it had been said they would, any more rational distribution of these revenues, would be disposed to concur in any plan which, while it guaranteed an ample provision to the established clergy, appropriated any surplus amount to great national purposes. The right hon. Gentleman the Member for the University of Dublin protested

against any such appropriation as a direct violation of the union. Surely it was madness at such a time as this to hold up to the people of Ireland the legislative union as the measure which obstructed a great boon to that nation. He had heard the right hon. Baronet say, that the Government was resolved, he believed unanimously, that it would not re-open the question; that it would not reconsider the state of the ecclesiastical revenues. He would ask this question. Did the Gentleman opposite consider that the whole people of Ireland should submit that the entire ecclesiastical revenues should be given to a religion to which the great body of the people were opposed? He would ask the gentlemen of England—he would not ask the gentlemen of Scotland, for they still displayed the spirit of their forefathers, who would not submit to religious oppression—he would ask the Conservative and Christian gentlemen of England, whether, if they were in the situation of the Irish would they submit to it? He was sure they would not. Would they not resent it as an affront? They would. Were they prepared, then, to go to war, and force on the people of Ireland a system to which they objected, and to which they would not submit in their own persons? If they did that, they would be exposed to the reproach of civilized Europe and of the world. He hoped they would not take such a course. He was sure if they attempted it, their consciences would revolt at their own conduct; and if their consciences did not revolt, they would be obliged to retrace their steps with ignominy and shame. All the interests he had in the world were at stake—everything that was dear to him was placed in jeopardy; and he trusted he was guilty of no profanity in praying that Providence might so direct their councils, as to lead to the establishment of peace, the preservation of the Union, and the well-being of all parts of the empire.

Mr. *T. C. Smith* (the Attorney-general for Ireland) said, the hon. Member who had just sat down, observed, that everything he possessed was at stake in Ireland. That was also the case with a large body of Conservative Members. It was important to ascertain what was the precise object which those who advocated a repeal of the Union had in view, and what would be the consequences if that separation was accomplished. In the debate on the question of

the repeal of the Union which took place in 1834, both the noble Lord the Member for the city of London and Lord Monteaule most distinctly stated, that a repeal meant a separation between the two countries. The object of the present organization existing in Ireland, was, not merely to repeal an act of Parliament, but its ostensible purpose was, to bring about a separation between Ireland and this country; that must be the consequence of a repeal of the Union. It would be impossible for the two countries to act under the same monarchy should that repeal be carried into effect. The first cause of discontent to which he would refer, was that said to be connected with legal appointments made by the present Government, which the hon. Member defended. Hon. Members opposite complained that none but Protestants received appointments from the Government; but these Gentlemen being Protestants was no reason why they should not be appointed. He did not see why a man was to be passed by because of his religion; other things besides a man's religion must be looked at. He admitted that he might be unworthy of his own appointment, but it had been conferred upon him without any application. He had stated his opinion in favour of the civil rights of Ireland. He was prepared to vote for the grant for the Irish National Education Board, although there was a very strong feeling among the Protestants of Ireland in favour of a separate grant to the Church Education Society. His reason for such a vote would be that at present there were 319,000 children educated at the National Board schools in Ireland, that there were upwards of 2,000 schools and 200 building, and that when these were finished, there would be 345,000 children educated at these schools. With respect to the Irish Municipal Corporations Bill, the objection he had to it was, that it was a transfer of power from one party to another, and that the municipal franchise in Ireland differed altogether from the municipal franchise in England. He would read to the House what was said relative to this bill by Sir Michael O'Loghlen in February, 1836:

"I know that it has been said that the inevitable effect of this measure would be to take the power out of the hands of one party and give it to another. I am aware that this has repeatedly been said, but, whatever credit may be attached to my assertion, I have no hesitation in saying, that if I thought that this

measure would take power from one exclusive and violent party, and give it to another equally so, if such a party could be found, it would not have a more determined opponent than myself."

He would ask, whether the bill, even as framed by Sir M. O'Loghlen, did not leave the franchise exactly upon the same principle as in England? What had been the practical working of the measure? In the city of Dublin, the only candidates for the civic chair for the ensuing year were two gentlemen who were obliged to pledge themselves to repeal; and of the officers appointed by the corporation of Dublin; fourteen out of sixteen were pledged supporters of the repeal of the Union. It was quite true, then, that there was a transfer of power from one party to another. The sort of franchise which those who were agitating Ireland wanted was to be found described in the resolutions passed at the meetings of the repeal association only last year—namely, the suffrage for all men not under twenty-one years of age, triennial Parliaments, vote by ballot, no property qualification, and a new distribution of electoral districts. A late Minister of the Crown, in the course of the debate last week, had put the case in a manner which showed that the state of Ireland did not arise from the conduct of the present Government; and had observed, with reference to what was said upon fixity of tenure, that if one of the measures proposed were carried into effect the effect would be confiscation, and he would never give his consent to anything of that sort. Such were the sentiments of the right hon. Gentleman the Member for Edinburgh; but he did not know whether those views hereafter would be changed. It had been stated by the hon. Gentleman who had made the present motion, that the administration of the Poor-laws had been handed over to a gentleman who had never been in Ireland. That, however, was not a charge to be brought against the present Government, because the Poor-law bill was introduced under the auspices of the late Government. He believed that a measure of Poor-laws was desirable for that country; and, though it was not requisite that he should discuss the subject in this debate, he must say that it was scarcely fair to make it a charge against the existing Government that the organization and "smothered rebellion," as it was called, in Ireland, was attributable to their Poor-law, when that law was brought in by the late Government. One of



the mainpoints relied on by the otherside was the state of the Irish church. The hon. Member for Sheffield had cast aside the appropriation clause, and come forward openly to declare that the object in view was the entire uprooting of the established church in Ireland. The alleged grievance was, that a Roman Catholic paid not only his own clergy but the Protestant clergy also; and the hon. Member proposed to transfer the whole of the tithe rent-charge to the Roman Catholic clergy, leaving the Protestants to pay their own. But there was no reason why the Protestant church could not be maintained in Ireland consistently with Catholic emancipation and civil equality. The hon. and learned Member quoted the evidence taken before the Parliamentary committee in 1824, of Mr. Dunn, a Roman Catholic gentleman, of the right rev. Dr. Collins then parish priest, afterwards Roman Catholic Bishop; of the right rev. Dr. Doyle, to shew that the Catholics professed a desire to respect the property of the Protestant church, and repudiated the wish ascribed to them to seize it. The right hon. Gentleman the Member for Dungarvan, he said, expressed himself to this effect:—

“Whatever aversion I have to the church arises from its being raised as an obstacle to the liberties of my country. The Attorney-general has justly remarked, that instead of endangering the stability of the established religion, and of the gorgeous institutions by which it is attended, Roman Catholic emancipation would contribute materially to its permanence. It is because it is now opposed as a barrier to concession that we regard it with hostility, but if once it ceased to operate as an obstruction, we should, in all likelihood, submit in apathetic acquiescence to its abuses; we should look upon it as a state engine, and if it ceased to crush us, we should not desire to interfere with its operations, or to diminish the power of the vast machine.”

Such were the sort of views entertained and professed before the passing of the Emancipation Act, but they were much altered now. Even the noble Lord the Member for the city of London, a Member of the late Government, did not please the hon. and learned Member for Cork, who thus spoke of him:—

“Lord John Russell pretended to be a statesman, and yet he said that a nuisance should continue in Ireland, not by reason of any advantage arising from the nuisance, but lest it should injure the Episcopal church in England, or the Presbyterian church in Scotland. There was a statesman! There was a high-minded man, fit to govern a nation! Why

the very folly of making the avowal stamped him with incapacity to rule the country; for, if he had the discretion of a statesman, he would never make an admission so calculated to rouse the people who were the victims of its impolicy. Yet the *Morning Chronicle* said that they were calling for the repeal with the view to get the Whigs into office again. Did not Lord Fortescue act worse than Sir E. Sugden—did he not attempt to corrupt the youth of Ireland?—and, for his (Mr. O’Connell’s) part, he would rather have the Duke of Wellington Lord-lieutenant here, than Lord Fortescue. He would tell Lord J. Russell that he should be prepared to meet the nuisance of the ecclesiastical revenues, for he had no chance of office until he said he would.”

The noble Lord, then, must see the terms upon which he must accept office and obtain the patronage of that hon. and learned Member. The present state of the country was not to be justified by any existing cause of discontent, but it originated in a desire to have the country arrayed for the purpose of carrying out one object—the dismemberment of the empire. Another ground of complaint was absenteeism. He would not vindicate absenteeism. He considered that those who possessed large property in Ireland, and never lived there, did not discharge the moral obligations which ought to be considered fixed upon them. A great responsibility attached to those persons, and he believed that he represented the feelings of the whole Conservative party in Ireland when he declared absenteeism to be a great misfortune to Ireland. If those who lived away from their estates could witness the good effects produced by the residence of other proprietors, they would admit the truth of that statement. He knew, indeed, the case of a noble marchioness, a lady distinguished in the fashionable circles of this country, who, with her noble husband, spent a great portion of the year upon their estates in the north of Ireland, and, whilst there, was most constantly to be seen and met with in the humble cottages of the poor. Her example was followed by many others; and he only wished it were impressed on every large landed proprietor in Ireland that he had a moral duty to perform, and that he should not draw his income from his Irish property without paying some regard to his Irish tenantry. But, although this absenteeism was, no doubt, a cause of much discontent, yet, it must be remembered, that it was no novelty. Moreover, in providing measures to remedy this evil, they must bear in mind what was the proposal of those who were the loudest in complain-

ing of it. "Forfeit the estates of the absentees?" that was Mr. O'Connell's doctrine; and he would simply content himself by asking, were they prepared to take such a step as that? At a time when the country, from one end to the other, was in a state of what was described as "smothered rebellion," the use of exciting topics and the discussion of exciting subjects in that House, were, at least, very deeply to be regretted. Allusions were made to foreign states. America, Belgium, and France, they were told, all sympathised with the repeal cause. Whether that were so or not, he (the Attorney-general) did not pretend to say, but this he did trust—that if sympathy and affection were extended by any foreign people to the inhabitants of Ireland it would not alone be extended to Repealers. There was another party in his country—a party consisting of Roman Catholics as well as Protestants—of men who were determined to sacrifice everything before they consented to a separation; and he did hope, that if foreign sympathy were extended to Ireland at all, the loyal and well-disposed in that kingdom would at least receive a share of it.

Viscount *Howick* said, that if assenting to the motion of the hon. Member for *Limerick* implied, that great evil existed in Ireland which called for remedy, he, for one, thought that upon that view the motion was fully entitled to consideration. If any one doubted the existence of these evils, he would refer him, not to the speeches made on this side of the House—not to the speeches of hon. Members connected with Ireland, impressive as they had been—not to the calm, useful, and argumentative speech of the hon. Member for *Kildare*—not to the touching appeal of the hon. Member for *Drogheda*, delivered this evening—but to the speeches delivered on the other side of the House, and especially to those made by Gentlemen more immediately connected with the administration of Irish affairs; for, if he did not mistake, the right hon. the Secretary of State, the noble Secretary for Ireland, and the hon. Gentleman who had just sat down, had admitted as distinctly as any Gentleman on this side of the House the evils which existed in Ireland, but to which they had suggested no remedy. The hon. Gentleman who had just sat down had contented himself with defending, or rather apologising for the Government; quoting speeches long forgotten and arguments to show that the present discontent in Ireland

was unreasonable. But they had not heard from any Gentleman on the other side of the House, what the House had a right to expect—an exposition of the views of the Government as to the causes of the existing evils; together with a statement of some well considered line of policy for their correction. For this he had listened most anxiously, but in vain; and he was thus left to the conclusion that beyond a bill to counteract some faults in the Poor-law, and that measure so rashly introduced for registering arms in Ireland, her Majesty's Government had nothing to propose. He confidently appealed to Gentlemen on both sides of the House whether the question could be safely left in this position. No Gentleman on either side had spoken who had not expressed a strong opinion that her Majesty's Government must take an active part at the present crisis. The right hon. Member for the University of *Dublin* said, that the Government could not be allowed to remain any longer with their arms folded; without propounding some system of conduct with regard to the existing position of affairs; and when the House looked at the actual condition of Ireland, could they entertain a doubt that strong grounds of apprehension existed for the very safety, not only of the peace of Ireland, but of the British empire? Was it nothing that the whole population of Ireland, for such was very nearly the case, was organised in favour of the Repeal of the Union, and that the whole physical force of the country was, as it were, at the command of the agitator of that question? He would ask any Gentleman who looked at the history of the world whether this state of things could exist without dangerous consequences to the community at large? The existence of this danger could not be admitted in stronger terms than those used by the right hon. the Secretary for the Home Department; and yet the right hon. Gentleman, though aware of the magnitude of the danger, did not appear to be aware of the true character or real nature of it. It was not that he believed that the persons who now agitated the Repeal of the Union intended any open resistance to the Government, or that if such resistance broke out, and was firmly opposed, it might not be repressed; it was because he saw undoubted proofs in the conduct of the Irish people, that instead of offering a strong manifestation of hostility, the population of that country were daily becoming more and more extensively



and hopelessly opposed in feeling to this country. Whilst this feeling existed it was vain to hope for any improvement in the condition of Ireland; for when the hour of danger arrived, when hostilities occurred in other quarters, Ireland, instead of being a tower of strength and greatness, must become a cause of weakness and anxiety. For his own part he was sure that these multitudinous meetings in Ireland were great evils, but only because they were calculated to influence and extend further that state of feeling which all the friends of good order must so deeply deplore; and therefore he thought that if these meetings could be prevented without exasperating the feelings of the people it would be most desirable. He could not disguise from himself that repeal meant separation, and that separation would be necessarily followed by war; and if war were to be incurred, he, for one, thought it had better take place before than after separation. He agreed in most of the censure which had been uttered on the other side of the House upon those who misled the high and generous spirit of the Irish people to demand what was impracticable. He agreed in condemning the conduct of those who took the lead in this agitation; but he could not believe that what was going on in Ireland was altogether attributable to those agitators. It was possible that the grounds of complaint were not accurately stated at those meetings; but he thought it impossible that a whole country could be united in opposition to the authorities by which they were governed, without the existence of some good cause for that opposition; and he considered that it was the duty of the Government and of the Parliament of this empire to discover those causes of discontent, and to apply the proper remedy. Not having that personal knowledge of Irish affairs which some hon. Gentlemen had, he had some hesitation in expressing his sentiments upon the present state of Ireland. Something in the way of legislation, however, was obviously necessary; and as her Majesty's Government shrunk from the task of proposing any such measure, he would venture, with great diffidence and humility, to state his views upon the subject. The hon. and learned Member for Bath, not many evenings ago, declared that the questions of the Church and the occupation of land, were at the bottom of all the evils in Ireland. He considered that the discontent prevailing in

Ireland might be traced to two great causes; in the first place, the general distress of the great body of the people, of which the laws relating to landlord and tenant was probably a leading cause; and in the next place, the existence of various circumstances connected in the minds of the people of Ireland, with the laws relating to the Church, which gave occasion to a sense of insult and degradation. He believed that the cause of this degradation would not have produced the effect which it had, if it had not been accompanied with the state of physical distress he had described; nor, on the other hand, did he think that the physical distress he had spoken of would have led to the existing state of political agitation, if it had not been accompanied with other circumstances calculated to wound the feelings of the Irish people. With respect to the distress which existed in Ireland, there could be little difference of opinion. One great and prevailing cause of distress was the habitual subserviency of labour to land; and the continual struggle which resulted for the possession of land. This was not an accidental condition of the people, but an habitual and permanent condition, occasioning great distress; that was occasionally aggravated by a bad produce of potatoes, and by a low scale of prices for other produce, and occasionally alleviated by temporary circumstances. The habitual condition of the people, however, was such as he had described; and he thought that this circumstance went far to account for the habitual distress and agitation which prevailed in Ireland. He admitted that no direct interference on the part of Parliament upon this point could put an end to this distress and agitation. Parliament could not, by its mere authority, at once restore industry and contentment to Ireland, by any radical alteration of the institutions which now existed there. All that the Government could do was to remove the obstacles which existed in the way of the employment of industry, and to encourage the application of labour, by insuring to it its reward. He believed if the Government could do this, they would do enough to enable the people of Ireland to become happy and contented. With a soil of unexampled fertility, a climate mild and favourable to production, with great mineral wealth, and great convenience of water conveyance, what possible natural obstacle stood in the way of the profitable employ-

ment of the resources of the Irish people? Was it that they were wanting in industry? Look at the labour of the Irish people—look at them across the Atlantic, in America, where the severest works were done by them—look at their labours also in this country, where we could not secure our annual harvest without the assistance of Irish labourers. And what was the character and bearing of these men at their annual visit amongst us. Cheerful and tractable, and at the same time more provident and saving than even our own population, reserving nearly the whole of their earnings to pay their rents when they returned home. Now, being a population thus naturally industrious, and inhabiting a country capable of rewarding their industry—why was it that the great mass of that population were not able to command the means of a comfortable existence? Some people said it was owing to the want of capital. He believed that this view of the case was unfounded. He believed that Ireland could very soon obtain all the capital she required, and he knew that even if she could not, there was always capital in this country seeking a profitable investment, and going out even to Mexico, and Peru, and Chili, in search of it; and he could not believe that it would be long kept away from Ireland if it could there be profitably and securely employed. The unhappy state of Ireland prevented capital and labour from being employed on its rich and fertile soil. Thus, distress was at the bottom of all the agrarian and political outrages which every body so deplored. With respect to agrarian outrages, the subject had been so often discussed, that he could hardly attempt to go over so well-known a subject. It was possibly correct, that the feeling was so prevalent amongst the people, that land was the only means of subsistence; that they clung to the possession of land with the tenacity of despair; and looking upon occupancy as the test of enjoyment and prosperity, made common cause to prevent anybody from being deprived of his land, not always making a distinction between cases of real imposition, where men were cruelly and tyrannically deprived of their land, and those in which the landlords only sought the fair improvement of their property. The consequence of this state of feeling was, that neither the landlord nor the tenant had a sufficient control over the land with which he was connected; the tenant never being sure that the landlord would not eject him, and,

on the other hand, the landlord not having sufficient control to enable him to make those improvements which he might think necessary. It appeared to him that the first object should be to alter this state of things, and to provide a measure under which both holders of land and landlords should be more secure in making any improvements which the soil might require. The right hon. Baronet the Secretary of State for the Home Department said, that her Majesty's Government were prepared to give their attention to any suggestions which might be offered for the amelioration of the state of Ireland. But surely the right hon. Gentleman should not wait for this. Why did a Government exist, if it was not to guide Parliament to the adoption of measures which the state of the country demanded. The Government alone possessed the means of information which the occasion required, and which could properly enable them to calculate the result, and direct the House to the proper course. He believed, that no individual Member could, without the means of information do more than goad the Government to the performance of its duty. If he was to suggest a remedy, he should say that some means should be adopted to enable the industrious man to obtain an honest livelihood by his labour, without the occupation of land. With respect to the aged, the sick, and the infirm, the New Poor-law was, perhaps, a sufficient resource; but it was not a sufficient resource for the able-bodied man, who could not get employment. No system of Poor-laws was sufficient which did not provide a means for the employment of the labour of the industrious and well-disposed; and though that was not the direct object of the Poor-law of 1838, he had always understood it to be held in view by the Government which proposed that measure. It was considered a necessary feature in the working of that measure, that the industrious poor should be put to public works in the first instance, whence they would afterwards be gradually taken into employment by private individuals. Such was the system pursued in England in the reign of Queen Elizabeth, when there was extreme difficulty found in employing the labouring classes. The suppression of the monasteries had thrown a large number of poor, who used to beg at their doors, upon the public; and amongst other works undertaken, was that of draining the fens of Lincolnshire, for the purpose of affording employment to



those who would otherwise be idle and destitute. By such means of temporary relief, society was enabled to right itself, and the industrial character of the people was kept alive to await the arrival of better times. These were the views by which they had been guided in 1838—at the same time that they brought forward a measure for the relief of the poor in Ireland—in also recommending a great system of railways. And it was his firm conviction that these railways would have been in every respect most advantageous to the country. The increased facility of communication would have been most important as a means of civilizing Ireland by creating a demand for labour, and causing trade and manufactures to spring up where they had been unknown before. But further, if a large sum, the large sum proposed, had been employed in constructing railways in Ireland, it was also his conviction that in a certain number of years a demand would have been created for labour, which would have had the effect of rendering land no longer indispensable to the Irish labourer as a means of existence. But the right hon. Gentleman opposite, without attending to those higher views, condemned the scheme of railways upon two grounds. He condemned them, first, upon the ground of the enormous sum of money proposed to be spent in making them, and in the second place, upon the ground that the scheme interfered with the operations of private enterprise and capital. The right hon. Gentleman made a statement as to the probable expences of these railways so palpably fallacious, that he wondered that even that right hon. Gentleman could have submitted it to the House. What had been the basis of his calculations? Why, the right hon. Gentleman took the average expense of railways in this country as a foundation for these calculations. In this country enormous sums had been wasted upon railways; first, in carrying bills through Parliament, before even a spade had been struck into the ground; and next, great sums had then been laid out in purchasing land. But as respected Ireland, both these sources of expense would have been avoided. The necessary land was to have been freely given, and the bills would have been brought in as public bills, not contested in an expensive manner like private bills. Further, English railways had been constructed at an English rate of wages. Now, in Ireland, a labourer would have been too happy to

avail himself of work at rates of wages considerably lower than those paid on this side of the channel. Therefore the right hon. Gentleman's calculation was quite wrong. But admitting that it was not so—admitting that it was correct—admitting that the sum proposed to be laid out was ultimately to fall as a dead loss upon the country, he would ask, could they have laid out money to more advantage than even ten millions, if, by expending that sum, they could have brought peace and tranquillity to Ireland? How much would they spend in two months in the event of a civil war. But the right hon. Gentleman said, that their scheme would interfere with private capital and enterprise. As regarded this country, he admitted the principle thus contended for. No man less wished the State to interfere in public works here than he did. But was the case of Ireland the same? So far from it, that the noble Lord the Secretary for Ireland stated, that there was a large sum ready to be invested in Irish railways if security existed in the country. That want of security was a good reason why private capitalists should not invest their money, but it was no reason why the State should not invest its money. As legislators, they had higher interests in view than could be expected in the case of private speculators, and he believed that it was wise and prudent to lay out a portion of the public money for the purposes and with the views to which he had alluded. He knew that a country could only permanently flourish when the demand for labour was created by private enterprise and capital. But so might they say of the human frame, that it could only be preserved in health by fitting and wholesome food. But when a fever was raging, they must administer strong drugs, they must have recourse to medicines, in order that afterwards, when the disease should have been subdued, the food then to be taken should prove of use. Precisely so by an artificial demand for labour, created by undertaking great public works by the State, they would obtain an interval of rest and quiet, which would enable private capital to flow in, and as these public works were completed, to take up the labourer then discharged, and thus permanently to accomplish the object which they had in view. This was one method by which Parliament had it in its power to relieve existing distress. But with this they must also take other means. He

looked to the adoption of those measures so ably enforced upon the House on a late discussion by the hon. Member for Liskeard. He looked to systematic colonization, conducted upon a great scale, as one of the most important means which they could put in practice to obtain for Ireland that relief which she so much required. When he looked to the neglected plains of New Brunswick and of Canada, when he knew that they had the means of making use of these fertile lands to remove immediate difficulties, he could not doubt, but that those measures adverted to by his hon. Friend were capable of being immediately applied. They might do much to remove the difficulties which the state of the law as to landed property imposed in the way of carrying on improvements and draining. They might also do much by promoting, not merely mental education, but what he would call the industrial education of the people. There was in Ireland a great degree of ignorance of the useful mechanical arts. The Irish labourer could command strength and perseverance, but in skilled labour he was deficient. He did not know the best modes of applying the strength and energy which he possessed; and much might be done to promote the prosperity of Ireland by coupling with these national systems of education a system of industrial training. But all these measures for relieving the physical wants of the people would be useless if they were not accompanied by measures, the object of which should be to soothe the wounded minds and to soften that irritation of feeling which circumstances had tended to produce in Ireland. This might be unreasonable, as the right hon. and learned Gentleman opposite had asserted; but reasonable or unreasonable, the Irish people did entertain, as one man, the feeling that they had been treated with insult and contumely by the Members of the Imperial Parliament and by the Imperial Government. These feelings they must allay if they wished any measures to succeed, and in considering how this was to be accomplished they must look to the state of the Roman Catholic and Protestant churches. He had heard with the greatest pleasure this fact acknowledged from the other side of the House, by the utterance of opinions in which he most heartily concurred. In the words of the hon. and gallant Member for Westminster, the state of things in Ireland as regarded the Church would not bear an argument. It was not

in human nature that the Irish people should feel otherwise than indignant at the state of matters with reference to the two churches, indignant that a large endowment originally granted for the purposes of the Catholic religion should be taken away and applied exclusively to the religious instruction of a small fraction of the people (and that, too, the richer fraction) while the great body of the people were left to pay for their own establishments—indignant, too, that this state of things should be aggravated by finding that the Presbyterian church, which was not an established church, should have an annual grant, while the religion of the vast mass of the people was proscribed by the Government and Parliament of the United Kingdom. And not merely proscribed; if this were a case of mere refusal of a share of endowment, he believed so extraordinary, so unexampled was the patience of the Irish people, that they would have quietly submitted to it. But not only did they establish the principle, that it was the Church which they were to consider, not the nation—that they were to reverse the good old rule, that the Church was an instrument for promoting the welfare of the people, and only look to the people with a view to the benefit of the clergy—it was not enough that they had adopted this principle, but they had, for a series of years, refused to the Irish people the commonest privileges of freemen—they had not ceased to treat them with the most insulting contumely. [*“Hear,” from the Ministerial Benches.*] Oh, that cheer would not induce him to attempt to prove his words. He thought that hon. Gentlemen who raised that cheer, if they would fully and fairly call to mind all that had passed upon the subject, would feel that the Catholic religion had been treated in a manner which, if the case had been reversed, and the Catholics so treated for professing the Protestant religion, they would consider to have been insulting and contumelious. He said that, if they meant to have peace in Ireland, they must attempt to reform the Established Church, and he did trust that the people of England, who were beginning to be seriously alarmed at the aspect of affairs upon the other side of the channel, would consider what they were about before they permitted their representatives and the Government to embark in a fratricidal war with Ireland, in order to maintain the existing system. They must correct the present state of things,



and they must begin by making concessions to the wounded feelings of the Roman Catholics of Ireland. Repeal altogether those statutes which made every man who took his seat in that House take an oath at the Table which stigmatised the Catholics as professing an idolatrous creed. Repeal the clauses in the act of 1829 which denied a fact palpable to every man, the existence of the Roman Catholic hierarchy. Do not refuse to the Catholic clergy those titles which even the officers of Government were not able to withdraw from them. Let them take the names of their sees. He would go further, and he would repeal the statutes which prevented intercourse with the see of Rome, and on this point he differed with the hon. Gentleman the Member for Kildare. The hon. Member had expressed an opinion adverse to this, and he felt that if he were proposing that they should now attempt, by means of negotiation with Rome, to obtain an influence in the appointments in the Catholic Church, that after what had passed upon the subject the jealousy of the Catholic body would be justly aroused. It would, indeed, have been of the utmost advantage if they could gain an influence in these appointments, but unhappily the right hon. Baronet opposite had thrown away the opportunity of obtaining it, and it was now too late to try to regain it. But still to show that they did not treat the Catholics as inferiors—as idolaters—but to show that they regarded them as fellow-Christians, though differing in many important points of faith—for that purpose he did think it would be of very great importance to repeal the statutes which rendered it a penal act for a minister to attempt to enter into negotiations with Rome, or to send a Catholic nobleman as an ambassador to the Roman court. But although all these were necessary concessions, they would not suffice, unless they should also put an end to the gross injustice and inequality which now prevailed between the two churches as to pecuniary matters. They must deal with the question of the property of the Protestant Church in Ireland. This was no new opinion of his. He had warned them when they defeated the appropriation clause, that they had gained a victory very fatal to their own views. He had warned them then that this question would be speedily re-opened. He had said, that he for one consented to give up the appropriation clause, because he felt that it was no longer

sufficient for the purposes for which it was demanded. He had warned them that this question would be re-opened, and re-opened he thought they would admit it had been. How it was to be dealt with was the question of difficulty. The hon. Member for Kildare had suggested that they should deal with it by applying a provision of their former law in Canada, namely, that when property passed into the hands of Catholics that the tithe rent charge should become payable not for the support of the Protestant, but for the Catholic religion. He believed that in the case to which he had alluded in Canada, the provision was that tithe rent charge should cease, but the hon. Member for Kildare's proposition was, that when property passed into the hands of Catholics, that the tithe rent charge should be devoted as he had described. If an argument which the Gentlemen opposite were fond of advancing, were correct, they could hardly reject this proposition. They could not fail to recollect that in all debates upon the subject, a favourite argument with the Ministerialists was, that it was no hardship to the Catholics that the money should go to the support of the Protestant Church, because the fee-simple of the land was generally in the hands of the Protestants, and as the tithe rent charge fell upon the possessors of the fee-simple, that therefore it should go to the support of the Protestant Church. This was their argument, and if that argument were a good one, he could not understand with what consistency they could reject the proposition of the hon. Member for Kildare. But for his own part he had taken a different view of the subject. He did not conceive that the tithe rent-charge was a tax upon land—he conceived that it was a national property—a property existing for the benefit of the nation. The holders of these lands, as they argued in questions of church rates here, had agreed to be subject to these burthens, and they had no right to complain of the tithe rent charge being applied to the purposes for which it was granted. He thought that this was the sounder argument. He thought that tithe rent-charges should be applied to national purposes, and when he said national purposes he meant the instruction of the great body of the nation in the truths of religion. He was inclined to think that the whole of the property of the Irish Church should be vested in the hands of commissioners, and that such a propor-

tion of their funds should be by them employed to maintain the Protestant Church as far as the real wants of that Church should seem to require; and the other should go in part to the Roman Catholic Church. He believed if, in the course of the struggles upon the subject, if some such plan had been followed, and if they had not frittered away and lost so large a proportion of the property of the Irish establishment, that its funds would have been sufficient for the maintenance of both churches. But unhappily they had lost a great proportion of that property. The funds they had left would therefore be scanty for the two churches, but such as they were they should be placed in the hands of commissioners and applied to those purposes. He would endeavour, if necessary, to make some additions, either from Crown property in Ireland, or from imposing some tax upon Irish landlords who had obtained advantages under the present system to which they were not entitled. He admitted that this was a difficult question. It was one for a Government to deal with. All that he contended for was, that if they desired to restore peace to Ireland, they must in some manner correct the grievous inequality, which was felt as a wrong and an outrage by the whole body of the Irish people. But they must carry out this principle of concession still further. They must act towards the Irish in other matters with the same conciliatory views; and, first, of all, with respect to the Parliamentary franchise, it was a mockery to call the present state of things a representation. But upon that point he must say no more, because he was happy to find that her Majesty's Government had much altered their views upon the subject. They were now he believed sensible of the necessity of dealing with this question, and placing the Parliamentary franchise on a more satisfactory footing. A change must also take place in the municipal franchise. By the late change they had substituted for the old corporation bodies who sympathised with the great mass of the people; yet they had done it in such a manner as instead of giving contentment, to establish new grievances, for these corporations had been treated with insult and distrust. They must act upon an entirely different system to that which they had pursued, but at the same time he wished to be just to the Government, and admit that they were placed in a very critical position as

regarded Ireland. They were now suffering for their past errors. If upon former occasions they had exerted more control over, or were more active in disavowing the sentiments of those who appeared to be of their own party, they would have been relieved from the unhappy necessity of providing in Ireland for men justly unpopular with the Irish. The greatest difficulty they had to encounter might be met in some degree by partially amalgamating the two governments, making them more completely one and the same. He entirely concurred in the opinion already thrown out that a very great advantage would result from the abolition of the Lord-lieutenancy of Ireland. He thought that the Government was at present based upon a false foundation. Power and responsibility were divided in so inconvenient a manner between the Secretary for the Home Department, the Lord-lieutenant and the Secretary for Ireland, that none of these functionaries could act with that authority and decision so requisite in Government; and there was this unhappy consequence of this division of power, that those who were interested in doing so were looking out to discover and drag into permanent notice the slightest symptoms of differences of opinion between those who were thus acting in concert. Further, there was this inconvenience, that any Lord-lieutenant had attached to his establishment a certain number of idle officers who had no one occupation except that of carrying and fetching news and stories, and endeavouring by intrigue to serve some party or personal purpose. He meant to throw no blame upon the persons now holding the situations to which he was alluding—many friends of his own had held similar appointments under former governments; but he did say that it was a necessary inconvenience, if persons held these offices, interested in maintaining the Government and having no serious employment, that they should be perpetually holding party language, and trying to maintain party views in the city of Dublin, and adding new bitterness to party contests. It was not of individuals, but of the system, which he complained—a system which was equally pernicious, whether the vice-regal court were Whig or Tory. It would be an improvement, if instead of this cumbrous pageantry of a sham court, they should have an Irish Secretary of State sitting in London. There would not be the smallest difficulty in carrying on



the government of Ireland by this means. For all practical purposes, Dublin was now nearer to London than York was twenty years ago. There would, therefore, be no practical difficulty in carrying out the proposition, and if hon. Gentlemen should argue that the people of Ireland would be discontented at losing the expenditure of the Lord-lieutenant, it would be a ready answer, to grant assistance in carrying on public works to an equivalent extent. Let the money devoted to the idle parade of a Lord-lieutenant be employed in some useful public works in Ireland. He was aware, that in what he had stated, he had given a most imperfect sketch of the policy which he thought should be adopted, in order to remedy the present evils of Ireland. Perhaps, however, he had even gone too far as a mere independent Member of Parliament, in stating his own views. If he had erred, it was from his earnest desire not to call upon Government to adopt a more vigorous and generous policy, without being prepared to point out that policy, which it was in their power to pursue. I shall indeed be sorry (continued the noble Lord) if, in the present state of Ireland, I were to call on the Government for more effective measures, unless I were well satisfied that they had the power to adopt them. I can assure the Ministers that I have not supported this motion in any spirit of hostility to them, and the House will do me the justice to believe, that I have endeavoured to avoid all topics of an exciting nature. Many points on which I think her Majesty's Government wrong, I have avoided to notice expressly on this ground, that in the present state of Ireland I am anxious, much less to look back to past errors than to look forward to what can be advantageously done. I acknowledge none of us have a right to be extremely severe in condemning past errors, because, on calmly and deliberately looking back to the history of Ireland, we must be sensible that there have been errors on all sides. I certainly do not claim for that Government of which I was a Member, an exemption from them; but I now support that motion in so little of a party spirit, that it would give me the greatest satisfaction if her Majesty's Government themselves were to consent to go into a committee of the whole House, and in that committee consent to a resolution pledging the House, at the earliest possible time, to take into its consideration the whole state of Ireland.

Sir, I do believe that in the present Session, it is too late to make that attempt. I believe, that any policy to do good, must be of a large and comprehensive character. I believe that the benefits of many good measures already adopted, have been in a great measure neutralized by being introduced one by one, and at too great intervals. I think it necessary that an impression should be made on the minds of the people, and for this purpose I am persuaded, that the measures you propose should be brought forward together, as parts of one large statesmanlike and comprehensive plan. You must deal at once with questions necessary to allay the irritation, and to relieve the physical distress of the people, and measures affecting such questions should be brought together under your consideration. To submit such a plan during the remainder of the Session is manifestly impossible; and if I might presume to offer advice to her Majesty's Government, it would be to adopt the suggestion thrown out by the hon. Member for Kildare, and that is that as soon as Parliament separates, they should apply their minds diligently to the state of Ireland, mature the measures which they intend to submit, and get them into the most perfect shape in which they can be brought under your consideration; and having done so, call the two Houses early in the winter, and for five or six weeks require us to devote the whole of our time and attention exclusively to Irish measures, leaving the general business to be reviewed at the ordinary time. In this manner I think we should have a prospect of making some real progress in the consideration of a large plan of amelioration. And if her Majesty's Government were—casting aside all personal and party interests—to apply themselves sedulously to this object; if they propose to us measures which in their deliberate judgment are most likely to restore peace and prosperity (breaking through all the difficulties opposed to them, either through popular prejudices, or what present still greater difficulties to high-minded men, past professions, and hastily formed opinions) — if they will propose to us a well-considered and comprehensive plan, I think I can promise them, not only in my own name, but in the name of the great body of those who sit on these benches, that such a proposal from them would be met by us in the same spirit, that we should give them the same cordial and sincere co-operation in this

great endeavour to restore peace to Ireland, as we did in 1829, when they brought forward the measure of Catholic Emancipation. And let me tell the right hon. Baronet that such a well-considered and statesmanlike plan is what the country expects from him, and has a right to expect. He has great power, and with that power an awful responsibility. It rests with him to determine what, with reference to Ireland, shall be the course adopted by Government and by Parliament. He may rest assured, that without certain ruin it cannot be one of inaction. It will no longer do to trust that the difficulties which beset him will melt away of their own accord, and that Providence, without any exertion on his part, will rescue him from the dangers by which he is now encircled. He must adopt a bolder and a more manly policy, or he will be overwhelmed by the difficulties of his position. I am persuaded, that if with all the energies of his mind, and with singleness of purpose, he devotes himself to the high task to which Providence seems to have called him of re-organising the disjointed frame of society in Ireland, I do believe, if he honestly undertakes this high and noble task, with the blessing of Providence he will succeed, and even if he fail, he will win the respect and admiration of all high-minded men. But, Sir, if the right hon. Gentleman be content to be borne passively along the current, down which he is now so rapidly floating, he will be ultimately carried on with a still increasing rapidity; in his fall he will receive not the respect, but the contempt of mankind, accompanied as it will be, by the fall of the United Empire.

Mr. *Gally Knight* said, that no one could have listened attentively, as he had done, to the noble Lord who had just sat down, without being impressed with respect for his abilities and his sincerity, and without appreciating his abstinence from those inflammatory topics in which others had too largely indulged. But he could not equally give his meed of praise to the remedies which the noble Lord had pointed out. He could not think that those remedies were so likely to restore peace to Ireland, as to render it expedient to accede to the motion which was now before the House. The noble Lord's three principal remedies were colonization, railways, and the spoliation of the Protestant Church. With respect to the first of these, he was

disposed to concur with the noble Lord. He did believe that much relief might be afforded to Ireland by systematic colonization, and he should be glad to see such an experiment made under the superintendence of Government; but he could not think that the cry for repeal would be silenced by the announcement of railways—nor, in the distressed state in which the late Government had left our finances, would it be easy for the Chancellor of the Exchequer to find the millions which would be requisite to carry such a project into effect, and if it were carried into effect, he feared that (as is generally the case when artificial employment is resorted to,) when the railways were finished, the same redundancy of labour would return, and the distress be only greater than it was before. With respect to the spoliation of the Protestant Church, he would not hear of it for a moment; but to that part of the subject he would more particularly address himself by-and-by. He had never entertained any but kindly feelings for the people of Ireland. He admired their courage, their talents, their wit, and their eloquence. He had been in that land of brave men and beautiful women. He had the happiness of numbering Irishmen amongst his best friends—and, whatever turn affairs might take, he should never cease to wish Ireland well. But the question was, in what way the true interests of Ireland could best be promoted; whether those interests were likely to be promoted by adopting the motion which was now before the House. Could any thing, he would ask, be more opposed to the true interests of Ireland than whatever was calculated to increase or prolong the agitation with which that country was at this moment distracted from one end to the other? and what could be more calculated to increase that agitation, than the nightly assertions made in that House that Ireland was harshly treated, and that that House had no sympathy with the Irish people? The avowed object of the agitation was the Repeal of the Union. Not a man rose on either side of the House who did not declare that he would do his utmost to prevent it—and yet gentlemen opposite asserted, over and over again, that the agitation, of which repeal was the only object, was not to be wondered at, and almost justifiable. It was cruel thus to add fuel to the flame; it was cruel thus to mislead a generous and excitable people.



Let it be remembered, on the brink of what a precipice they stood—how little more might induce them to commit acts which would bring upon them what every man in that House would anxiously wish to avert. But then the noble Lord said, begin with measures of conciliation. But what were the measures that would conciliate? Could it be expected that any measures would conciliate except those which were demanded? And what were the measures which the people who attended the meetings in Ireland demanded? The Repeal of the Union, Fixity of Tenure, and the subversion of the Protestant Church. And yet the noble Lord, the Member for Tiverton, who, on a former night, had made what to him appeared the most statesmanlike speech which had been made on that subject, on the other side of the House; that noble Lord had stoutly declared that nothing should induce him to accede to any one of these propositions. He had declared that he would rather incur the last evil of civil war, than agree to a Repeal of the Union, which he considered equivalent with a dismemberment of the empire. He had declared that what was called Fixity of Tenure, was neither more nor less than barefaced robbery—and that the grievances connected with the land in Ireland, were not to be cured by legislation, but by the Irish landlords. The noble Lord had equally declared that he would not be a party to the subversion of the Protestant Church; what, then was the use of saying, begin with measures of conciliation, when the only measures that the Irish people demanded, were declared to be inadmissible? The noble Lord who had just sat down, had not confined himself to such narrow limits. That noble Lord was prepared to be a party to the subversion of the Protestant Church. Now that was a subject which he could approach without difficulty. His opinions on that subject had long been known. He had always declared that on that subject he was ready to concede to the Irish people as much as he could obtain for them. But this was a subject which did not depend upon the opinions of individuals, or even upon the will of a minister. He knew full well, that upon this subject the people of England, and the people of Scotland, had made up their minds; that the people of England and the people of Scotland would never consent to the subversion of the

Protestant Church in Ireland; and he was convinced that it would not only cost any minister his place who brought forward such a proposition, but any Sovereign his crown, who sanctioned such an attempt. That was his deliberate opinion; and, as for taking a few more thousands a-year from the income of the Protestant Church in Ireland, and devote the money to that education which was already provided for by the State, he must say that he considered such a proposition as equally weak and wrong,—wrong, because it would be applying ecclesiastical revenues to secular purposes; weak, because it would only whet the appetite of the Catholics, without restoring peace to Ireland. But there was one indulgence which he thought ought to be conceded. He did think that the Catholic Clergy of Ireland, like the Presbyterian Clergy in the North of Ireland, should be provided for by the State. The people of England would not hear of a Repeal of the Union, and, at the same time insisted upon the maintenance of the Protestant Church in Ireland. Insisting upon these things, resolved to have their way in these things, the people of England ought to consent to provide for the clergy of the people of Ireland. This he should be glad to see accomplished. He was aware that such a proposition would not be accomplished in a moment—nor would it, at this moment, be received as a measure of conciliation—but though slow, its effect would be sure, and he was convinced that, in the end, it would be attended with the most beneficial results. It appeared to him that the measures which would most promote the real interests of Ireland, would be any measures that were calculated to promote the security of life and property in that country, any measures that were likely to promote tranquillity, to encourage the regular pursuits of honest industry, and attract capital to Ireland—but no such measures could be carried into effect so long as the present agitation prevailed. Gentlemen opposite had taxed the Government with a want of impartiality. But what was meant by impartiality? Could it be fairly construed to mean anything in Ireland but no distinctions in appointments on account of religious opinions? No Government could be asked to appoint their opponents. The late Government had set no such example—and any Government that withheld its favours from its friends, and bestowed them on its

opponents, would deserve to fall. All that could be fairly asked was, that no distinctions should be made in Ireland on account of religious opinions; that the Government should bestow a fair share of its favours upon such Catholics as were willing to support them, and as were not Repealers. It did appear to him that the right hon. Baronet, who was now at the head of her Majesty's Government, was most desirous of governing Ireland in a just and impartial manner. For the first time, yes, for the first time, Ireland had been offered an impartial Government. He had always thought that the way in which England could be most useful to Ireland would be, by fairly and firmly holding the balance between the two great parties into which that country was divided. He knew that any Government, so acting, could not be popular; but he did not give the late Government any credit for their greater popularity in Ireland, because it was obtained by casting all their favours into one scale—in fact, by governing through one party. Let not the present Government be compelled to do the same. What he most apprehended from the conduct of gentlemen opposite was, that it would compel the right hon. Baronet to descend from the impartial position which he had assumed, that it would compel him, against his will, to have recourse to the old story, and make him “to party give up what he meant for mankind.” The right hon. Gentleman, the member for Edinburgh, had redeemed half the fire and fury of the speech which he had delivered on a former night by making one grand admission—he had admitted that opposition had its responsibilities. He (Mr. Knight) hoped that that admission would sink deep in the recollection of the right hon. Gentleman's friends. He hoped that they would not incur the fearful responsibility of goading on the Irish people—of goading them on when they were asking for that which not a man in that House meant they should obtain. As for the obstruction of public business by interminable discussions, he (Mr. Knight) would not complain of that, for that would do the right hon. Baronet no harm. The country would see by whom the delays were caused, and would not fail to put the saddle on the right horse. But gentlemen opposite did incur a fearful responsibility by encouraging the agitation which now prevailed in Ireland. Measures of

conciliation could not be offered at present; any offers made at present would only be regarded as concessions extorted by violence from fear. The agitation must be arrested in the first instance. Tranquillity must be restored to Ireland, because it was by tranquillity alone that the prosperity of Ireland could be advanced.

Sir *B. Hall* said, every hon. Gentleman who had spoken on the other side had, he believed, not only admitted the existence of grievances in Ireland, but had expressed a desire that redress should be afforded, and the only question of difference seemed to be as to the time at which that redress should be conceded. He understood the hon. Member for Nottinghamshire (Mr. G. Knight) to say, that any concession which might be made now would be regarded by the Irish people as having been extorted from the Government by agitation. He thought, however, that if any redress was to be afforded for the grievances of which the Irish people complained it ought to be given now. When hon. Gentlemen on that (the Opposition) side of the House sat on the Treasury benches at a time when considerable agitation prevailed in Ireland, they were taunted by the supporters of the present Ministry for neglecting to put down that agitation. He would now ask the right hon. Baronet (Sir R. Peel), “Why do not you take some steps to put down the agitation which at present exists in Ireland? Why do not you come forward with some remedial measures? He would himself supply the answer. In the first place, the Government dared not to oppose their Orange Friends, the ultra-Tories; and, in the second place, they dared not to oppose Mr. O'Connell. One of the great grievances complained of by the people of Ireland was the extravagant Church establishment. He thought the best course that could be taken was, to pay the Catholic clergy out of the revenues of the Church of Ireland; for he was convinced that while such an extravagant State Church existed the people of this country would not allow such payment to be made out of the consolidated fund or out of the revenues of the empire. The hon. Gentleman who had last spoken had complained of the obstruction offered by hon. Members on that (the Opposition) side of the House to the measures which had been proposed by Government with re-



gard to Ireland. The only important measure relating to that country which had been brought forward was the Arms Bill; and if the right hon. Baronet opposite had merely asked for a continuance of the existing Arms Act, he believed the measure might have been passed in a single night. But when her Majesty's Ministers asked for further powers—when they seemed disposed to carry out that spirit of coercion and domination towards Ireland which had characterized the speeches of the Right hon. Secretary for the Home Department, he thought hon. Gentlemen on the Opposition side were entitled to avail themselves of every opportunity to “obstruct”—if they chose the term—the progress of the measure until they knew what were the intentions of the Government with reference to Ireland. He would suggest that, as there could be no intention on the part of Ministers to carry through the Ecclesiastical Courts Bill and some other measures during the present Session, they should be at once postponed, and that the remaining five or six weeks of the Session should be devoted to the consideration of Irish affairs, with a view to redress the grievances complained of, and to enable Ministers to frame such measures as would tend to promote the tranquillity of the country. He regretted that this country should have exhibited so much apathy on this subject; but he believed public feeling was now aroused; and he was glad to find from recent communications with his constituents, that it was the intention of the inhabitants of this metropolis to exhibit some demonstration in favour of Ireland. He well remembered, and he had no doubt hon. Gentlemen opposite also recollected, the agitation which took place in this metropolis in 1831, and which was highly instrumental in leading to the adoption of that important measure which gave representatives to the metropolitan districts; and he was convinced that when agitation was commenced in the metropolis upon just grounds, it exercised a powerful influence upon the provinces. He hoped this would be the case in the present instance, and that such agitation would prevent a system of coercion from being pursued towards Ireland.

Viscount *Jocelyn* in refusing to give his support to the motion, did so from considering that motion as a mark of censure upon

the Government, as having administered the affairs of that kingdom in a spirit of partiality and injustice. From this opinion he entirely disagreed; nor did he think that the accusation had been proved in any part of the debate. He was fully alive, not only to the ability, but especially to the temperate manner in which the hon. Member for Limerick had brought forward his motion. He trusted it would be an example in future discussions, and he would endeavour to follow in the same spirit in the few words which it was his intention to address to the House. If the spirit manifested by the hon. Member for Limerick and by the noble Lord the Member for Sunderland, were more general, that benefit to the country (which they had all equally in view) would be more likely to be obtained, and it would be seen whether or not those grievances which were said to exist, had truth for their foundation. If they had, remedies might be applied, while, if they were the complaints of party or prejudice, a fair and temperate debate was far more likely to remove the film from the eyes of those blinded by passion, than a debate in which personality and acrimony were the chief ingredients. He believed there never was an era in the history of Ireland when it behoved those who were either actuated by interest or affection, or by the far nobler motives of anxiety and regard for their country's welfare, to make use of the language of conciliation and kindness, to endeavour to throw the veil of oblivion over the past, to meet the existing danger boldly in the face, and to endeavour, by correcting those social evils which may exist in their respective circles to stay the revolutionary torrent which threatens to sweep away the institutions and constitution of the country. The hon. Gentleman had admitted, that a mischievous and alarming excitement existed in Ireland, marked by a most perfect system of combination and organization. What, however, he wished to allude to, was a grievance stated to be so by the hon. Gentleman, and termed the plague spot of Ireland by the hon. Member for Bath, in which many hon. Gentlemen on the opposite side of the House seemed to concur. To the Church Establishment he was most anxious to call their attention. He acknowledged, as a matter of theory, it might appear difficult to argue in favour of the maintenance of a Protestant Established Church, in a country which consisted of a population of 9,000,000, of which nearly

7,000,000 professed the Roman Catholic religion, whilst the remaining portion alone belonged to the Protestant faiths. He acknowledged it might be apparently an anomaly; that the Church of the minority should be the Established Church of the State; but before coming to a conclusion, it seemed but fair to investigate the subject. He would ask, was not the religion of the State Protestant? Could there be two religions acknowledged by the State? each one differing vitally from the other, in doctrine and creed? Could a Protestant Government believing the religion they professed to be true, all others to be erroneous, not only sanction and support, but strenuously endeavour to propagate those others,—could this be expected from any Government? Hon. Gentlemen will then, doubtless say, for they have said so already—abolish, or partially abolish the Established Church and make use of its revenues for the education and moral improvement of the great mass of the Irish people. He would support the Government in any just proposition for educating the people; but he denied in common honesty the right of the House to interfere with those funds which had been dedicated to a certain purpose. It did appear to him that it was the bounden duty of the House to be as jealous collectively as individually of their honour, and he could not but consider that House would be tainted by the spoliation of the Church and the infringement of a solemn compact. He had too high an opinion of his Roman Catholic fellow-countrymen to believe they would be any party to such a deed. They still remembered the compact that was entered into: they had not forgotten that by aid of their Protestant fellow-countrymen they obtained those privileges which had been long withheld, and they scarcely could, fifteen years after obtaining those privileges, turn round to spoil and destroy the Church of their Protestant brethren. Hon. Gentlemen, in endeavouring to show more forcibly the hardship of the Church of the minority being the Established Church, had overlooked a very important fact, namely, the means by which that Church was in reality supported. His noble Friend the Secretary for Ireland stated upon a previous evening, from the evidence of the hon. Member for Cork, that only one-tenth of the property in Ireland was in the hands of the Roman Catholic part of the community. The Church Establishment was supported by a rent-charge upon the property, nine-tenths of which were in the

hands of Protestants. If the rent-charge as such was to be abolished, in common honesty it ought to be restored to the contributors to the Church. He wished, however, to guard himself from saying, that he was averse to any proposition which might give the Roman Catholic clergy an interest in the maintenance of tranquillity. He fully admitted and deeply deplored the distress existing at present in Ireland, but he denied that it was peculiar to that country. He considered that it was owing, in a great measure, to the increasing population (an evil which was felt in all civilised Europe), and to the deficiency in capital to give employment to the people. He would ask them to look at England, teeming with wealth, groaning with production, and yet amidst all this, misery and destitution prevailed. Was not every manufacturing district in England witness of millions of acres on one side, and starving operatives on the other? It was a painful question to solve, how it could be, that whilst capital and wealth might increase in the community, misery and destitution might keep pace with equal steps. He would remind the hon. Gentleman of the increased imports and exports of Ireland; he would likewise beg to refer him to the increased inland communication. He did not at the same time mean to say, that they were at all equal to what they had a right to expect from the natural advantages of the country, but he did believe they tended to show what might be the case if the country was blessed with tranquillity. To remedy some of the agrarian evils, the Government might undertake public works of national advantage, which would give an excitement, and an employment, and tend to promote tranquillity and prosperity. This would also give confidence to capitalists—by giving a promise of security to private speculation. He believed it would turn the people of the country from those idle habits engendered by want of employment to be contented and industrious, for there was nothing in the character of the Irish people to forbid such a hope. Naturally generous and grateful, they would feel and acknowledge the benefit. One cause of the agrarian troubles, which arose from the pecuniary difficulties of many of the landed proprietors, was rapidly curing itself. Those landlords who, from their properties being deeply mortgaged, were unable to improve the condition of their tenantry, had taken advantage of the alterations within the last few years in the laws regarding money,



and by the facility of obtaining loans at a fair interest, were rapidly placing themselves and their tenantry in a position which they could scarcely ever have hoped to attain. Nothing was so likely to be beneficial in a civil point of view as the improvements now going on by the landlords of the country, and to see the fair promise blighted, he acknowledged mingled some bitterness with regret against the author of this change. It was painful to think, that one of Ireland's own sons, with no ordinary ability, possessing an absolute power for evil or for good over the minds of his fellow-countrymen, should choose the former rather than the latter, preferring to plunge his country into anarchy, to drive away the capital with which it might be enriched, and to seek for the repeal of a measure which could alone be obtained in bloodshed, and must end in the destruction of the country. What was the object to be attained? to resuscitate rotten Protestant boroughs so that a Protestant House of Lords and Commons may again legislate in College-green? No; it was no Repeal of the Union, but a new constitution which was required to be proposed by the Member for Cork. They had a specimen of what that constitution should be in the resolutions by that Gentleman on the opening of the Loyal Repeal Association in 1842; they were the total abolition of tithes in any shape, the immediate passing of a law enacting the fixity of tenure, a large extension of the suffrage, the vote by ballot, the shortening of the duration of Parliament to three years, an equalization of the electoral districts, and the abolition of the property qualification as regarded Members. In refusing to support the motion of the hon. Member for Limerick, he was strengthened in his determination by that statement of the hon. Member for Cork, who had declared, within the last few days, that "too long had he said, that if England gave justice he would not look for, repeal—he now altered the tenour of his song—repeal before every thing, even though the Established Church might be sacrificed." He trusted that the day was far distant when Ireland would sink from her present proud position, as an integral part of the united empire, having her representation in this united Parliament, where her power had been manifested, to the position of a mere colony or settlement dependent on Great Britain.

Debate further adjourned.

House adjourned.

## HOUSE OF LORDS,

Tuesday, July 11, 1843.

MINUTES.] *BILLS. Public.*—1<sup>a</sup>. Norfolk Island; Divisional Sessions of the Peace.

3<sup>a</sup>. and passed:—Grand Jury Presentments; Church Endowment.

*Private.*—2<sup>a</sup>. Sutherland Roads.

*Reported.*—Walton-on-the-Hill Rectory; Porterfield's Estate; Saggart Inclosure, Award Estate; Monkland and Kirkintilloch Railway; Great North of England, Clarence and Hartlepool Junction Railway; Ross and Cromarty Jurisdiction.

5<sup>a</sup>. and passed:—M'Culloch's Estate.

PETITIONS PRESENTED. By Viscount Strangford, from the St. John del Rey Mining Company, against some of the clauses of the Slave-trade Suppression Bill (No. 2).—From James Stirrat, Merchant, against the Paisley Municipal Affairs Bill.

CHURCH ENDOWMENTS.] The Bishop of *London* said, that on moving the resumption of the adjourned debate on the Church Endowment Bill, he had to propose a clause which would entirely obviate all the objections which were urged against the measure last night. The effect of it would be to place the ecclesiastical commissioners, in reference to the objects of the bill, precisely on the same footing as the commissioners of Queen Anne's bounty.

Lord *Brougham* had no objection whatever to such an amendment. It was exactly what ought to be done.

Bill read a third time.—New clause added.

Bill as amended passed.

CHURCH OF SCOTLAND—BENEFICES.] The Earl of *Aberdeen*, on moving that the House again resolve itself into committee on the Church of Scotland Benefices Bill, said, that it might be convenient for him to state to their Lordships that it was his intention to agree to the amendment which his noble and learned Friend opposite (Lord *Brougham*) had announced that he meant to propose on bringing up the report of this bill. Whatever might be his opinion of the law, it was impossible to deny that doubts existed on the subject—doubts which became important in consequence of the opinions expressed by the noble and learned Lords opposite, whose opinions must always have great weight with their Lordships; and he, therefore, felt that it would not be improper, on his part, to accede to the amendment proposed. At the same time, he retained the opinions he had already expressed on the subject.

House in committee.

Lord Campbell wished to ask the noble Earl whether he renounced the whole of the declaratory part of the bill, and meant to strike out so much of the preamble as had reference to the declaratory nature of the bill? [The Earl of *Aberdeen*: Certainly not.] Then it was his duty to declare to their Lordships, that in his opinion, the bill was now more preposterously absurd than it had ever been. What was the effect of the bill as it now stood? It declared that by the ancient law of Scotland, the congregation had the power to object to the presentee, and that the presbyteries and other judicatories might cognosce that objection; but that they had no power to give effect to their judgment. So that the bill would declare the right of grumbling on the part of every congregation in Scotland—[The Duke of *Wellington*: No doubt about that.]—but that the Church of Scotland had no right to enforce their adjudication. The preamble stated that it was expedient to declare that the Church had the power to decide; but when they came to the bill itself there was only a declaration that the congregation had the power to object, but that the Church had no power to decide. The preamble was, therefore, entirely at variance with the enacting clauses. He should move the omission of the following words in the commencement of the second section:—

“The presbytery or other judicatory of the Church before whom such objection shall be stated and referred to, shall, in cognosing and determining the same, be entitled to have regard to the whole circumstances and condition of the parish, to the spiritual welfare and edification of the people, and to the character and number of the persons by whom the said objections or reasons shall be urged.”

Whether this was an enacting or a declaratory clause, he strongly objected to it. According to the last resolution of the noble Earl, this was not to be a declaratory, but to be enacting. Therefore this was to confer a new power upon the Church. The whole of the words he had quoted were either useless, or they were mischievous. If it was necessary to give the congregation power to object, it was equally necessary to give the Presbytery power to adjudicate. But if they possessed that power already, it was unnecessary to set forth, in an act of Parliament, what were their duties, or to give them any additional powers. The first part of

the passage was, in his opinion, unnecessary; but the latter part of the passage would be most mischievous. How could the validity of any objection to the presentee depend upon the number of those who made it, or upon the character of the objectors? This part of the measure was, in fact, non-intrusion. It was to say, that if an objection, however groundless, were urged by a large number of the congregation, then the Presbytery must give effect to it. If it were objected that the presentee was immoral, or that he was not a good preacher, or that his prayers were not edifying, or that he read his sermon, or that he had not a good voice, or that he laboured under any infirmity—whether the objection were made by one or by many, must be wholly immaterial. The Presbytery would merely inquire whether the objection was founded in fact or not; and they would either sustain it or reject it. But the other part of this clause was more objectionable still. The Presbytery were to look to the character of those who made the objection. Would not this be an alarming power to give to the Presbytery and other judicatories of the Church of Scotland? They were not merely to look to the character of the presentee, but to the character of those who objected to the presentee. They were to hold an inquiry into the character of every person who made an objection. They were to look into his private life, and make domiciliary visits to ascertain whether he had private worship—whether he properly catechised his children—whether he travelled by railroad on a Sunday—whether he attended a funeral on a Sunday—whether, in fact, he did or abstained from doing that which was considered laudable or censurable in the opinion of any of the members of the Presbytery. This was a power wholly insufferable. It was a power which must lead to great abuse. It was a power which was never enjoyed or even claimed by the Church of Christ since the Christian religion had been founded in the world. Nothing of this sort occurred before the Reformation, neither in the Greek Church, nor in the Roman Church, and it was a power, moreover, which was wholly unnecessary. He should therefore move that the words he had read be omitted from the bill.

Lord Brougham could not altogether agree with his noble and learned Friend. He and his noble and learned Friend had



hitherto voyaged together in this troublesome navigation without the slightest discrepancy of opinion; but now he could not agree with his noble and learned Friend. He (Lord Brougham) had, in his Slave Trade Bill, followed the same course as the noble Earl in regard to the word "declare," which he had taken out of that bill, but certainly not thereby giving up his opinion as to the construction of the act of 1824, but, on the contrary, steadily maintaining it. Doubts, nevertheless, having arisen, he did not seek to make a declaratory act having a retrospective effect in punishing parties who might have offended twenty years before, but using the word "enact" as having a prospective sense. That was the case in the present bill. The law Lords objected to the use of the word "declare," because it assumed their judgment to be wrong, while the word "enact" left the law as it was. He had little hope that the bill would either reclaim those who had already seceded, or prevent secession in future; but at the same time he trusted that he might be wrong in his opinion, and that the noble Earl opposite might be right.

Lord *Cottenham* said this was not the time to discuss the first clause, for it had been already passed, and notice had been given to propose an amendment on the report. The amendment of his noble and learned Friend would render the appearance of the first clause so peculiar as being declaratory that he trusted the noble Earl would not struggle for the retention of the word "declare." The objection was to the complicated provisions of the clause. Twenty different persons might object to a presentee on twenty different grounds, each having his own reason. These the presentee must answer, and all this contest must go on before the presbytery. That was not all, for each objector was liable to be tried before the presbytery, on the ground of his character. He hoped that the proposition of his noble and learned Friend (Lord Campbell) would be adopted; for although it left the bill objectionable, it yet removed a glaring objection.

The Earl of *Haddington* said, that if it would gratify the people of Scotland that this declaration should remain in the first clause, he trusted their Lordships would not consent to omit it. He denied that the clause gave facility to frivolous objec-

tions; and on the score of investigation into the characters of the objectors, he contended that the provision did not give vexatious and inquisitorial power, for their characters would be a matter of notoriety in the parish.

Their Lordships divided on the question that the words proposed to be omitted stand part of the clause. Contents 31; Not-contents 14: Majority 17.

#### *List of the NOT-CONTENTS.*

DUKE.	Auckland
Sutherland	Fortescue
LORDS.	Cottenham
Campbell	Clanricade
Brougham	Zetland
Monteagle	Kinnoul
Duncannon	Sudeley
Denman	Colborne

Clause agreed to.

On the 5th clause,

Lord *Campbell* remarked that the clause, as it stood, would be construed to give what the Church of Scotland called *liberum arbitrium*, the power of making objections of a general nature, so as entirely to annul the jurisdiction of the civil courts. Now, he wished to preserve the power of the civil courts, and limit that of the church courts. He therefore should propose an amendment which should in substance enact that if the presbytery, or any ecclesiastical jurisdiction of the church should decide that a presentee must be rejected, on any ground that he was unfit generally, or unfit for the particular parish, that must be considered an excess of jurisdiction; and the patron, presentee, or any person injured by that judgment, should have a remedy by appeal to the civil courts. The noble and learned Lord moved accordingly.

The Lord *Chancellor* objected to the amendment as unnecessary. Certain jurisdiction and authority was given to the presbytery in precise terms by the act of Parliament. If they did not conform to the act, and exceeded the powers given to them, the civil courts had a right to interfere. It was quite unnecessary to enact anything of this kind; by doing so they would seem to throw a doubt on the right; and if they did not take care to enact it in very full and ample terms, they would narrow the jurisdiction of the civil courts, instead of maintaining it untouched.

Lord *Cottenham* said, that the civil

courts should interfere, in the event of the presbytery exceeding their powers, was admitted on all hands. The clause said that it should be in the power of the patron, presentees, or objectors, to appeal from any judgment pronounced by the presbytery, which appeal should be exclusively to the superior courts. If the presbytery exceeded their jurisdiction, and rejected the presentee on any ground not within the scope of the act, a civil injury was sustained, and the person aggrieved had the same right to a remedy as he would have in any other case. What possible objection could there be to insert words providing that that right should not be excluded by this bill?

The Earl of *Aberdeen* said that, in case of an appeal against the judgment of a presbytery, the right of appeal, by the constitution of the Church of Scotland, ought to be exclusively to the superior Church Courts. But there could be no doubt whatever that any patron or presentee might by action of declarator, bring his cause before the Court of Session, and have it found whether or not the presbytery had exceeded their powers in the particular case—whether they had acted within their competency as a judicatory of the church, or had not. There was no possible reason for introducing these words, as they would tend rather to narrow than to confirm this right.

Amendment negatived.

Bill went through committee.

The House resumed. Report to be received.

Their Lordships adjourned.

## HOUSE OF COMMONS,

*Tuesday, July 11, 1843.*

MINUTES. BILLS. *Private*.—2°. *Burry, etc., Navigation, and Llanmelly Harbour (No. 5) Bill.*

*Reported.*—Marquess of *Abercorn's Estate; Cromford and Belper Road; Rochdale and Manchester Road; Infant Orphan Asylum.*

3°. and passed :—*Bridges (Ireland).*

PETITIONS PRESENTED. By Lord Ashley, from the Coal-whippers and others of London in favour of the Coal-whippers Bill.—By Mr. Christie, from the Dissenters of London, for the removal of their Disabilities.—From Manchester, Salford, and Chester, for a Tax on Wood cut by Machinery.—From Salford, and Cardiff, in favour of the Scientific Societies Bill.—From Bridgnorth, in favour of, and from Warrington, against, the Factories Bill.—From Warrington, and London, against the Ecclesiastical Courts Bill.—From Kirkcudbright, for Ameliorating the condition of Parochial Schoolmasters in Scotland.—From Bridgnorth, against the Coroners Bill.—

From the Dublin Society, for Inquiry into the Proceedings of the Church Temporalities (Ireland) Commission.—From Oundle, in favour of the County Courts Bill.

STATE OF IRELAND—ADJOURNED DEBATE.] Mr. *M. J. O'Connell*, on resuming the debate, said, there were two features in the debate last night which afforded some satisfaction. In one the satisfaction was of a negative character, and was to be found in the speech of the hon. and gallant General the Member for Liverpool (Sir H. Douglas), and the want of support to the extraordinary amendment he proposed. He called it extraordinary because the gallant officer's experience had not been confined to the routine of military duties, for he had acted in the civil affairs of a colony, and if the reports in the newspapers were true, had had some experience of popular discontents. He was glad to see that even on the gallant General's own side of the House, there was no one to second him. The other cause of gratification was the frank and manly speech of the Gentleman on the opposite benches, the gallant Member for Westminster. He recollected when, two years ago, he had read in the newspapers the astounding news of the gallant Officer's success in Westminster; he viewed it with alarm, foreseeing the majority that was coming, and that there would no longer be a fair chance of the redress of grievances. He owned, however, that he was not more surprised then than he was last night, though of course the latter surprise was of a more gratifying character. The gallant Officer was one of those who did not shut themselves up in the closet, but went abroad, and, as he believed, spoke the sentiments of those among his constituents who were not tied to the car of any party, whether Whig, Tory, or Radical, and who began to open their eyes to the true state of Ireland. To come, however, to the question immediately before the House, he did not think an inquiry into the troublesome state of Ireland was a waste of the time of the Legislature, for great as might be the inconvenience to the progress of public business, the neglect of the state of Ireland would create greater. He would not go back to a long history of past times, which had been so strongly deprecated, but he must go into the history of the last few years to find the causes of the prevailing discontent. Four years ago the right hon. Baronet, now on the



Treasury Benches, but then in Opposition. admitted that his chief difficulty was Ireland. They had found it so since. Why was this? and why was Ireland so peculiarly the difficulty of hon. Gentlemen opposite? Their own policy had done much to make it so and to increase it. The gallant General who made the unsupported proposition last night, had referred to the inconvenience of submitting to agitation, and had contended that it was necessary to put down agitation in the first instance, without removing the causes. They might as well endeavour to dry up a river without turning off the waters. There was no way in a free country of putting down discontent except by removing its causes. What were those causes? It had too often happened that the claims of reason calmly put forward were not attended to, and that it was only when they were clamorously asserted that they obtained attention; and if this were generally the case in England, it was universally so in Ireland. His gallant Friend the Member for Wycombe had referred to the year 1778; he would refer to the year 1793, when the franchise was granted to Catholics. In 1792 the petition of the Catholics was ignominiously rejected by the Irish House of Commons by a majority of twenty-three Members. A convention sat in Dublin in the winter of that year. That was aided by the success of the French over our armies in the Low Countries; and at the moment of popular strength at home, and of Government weakness abroad, the franchise was conceded to the Catholics of Ireland. With the usual ungraciousness, however, of parties who were obliged to yield, and with an impotent malevolence against the body, they had been unable to resist, the Government did not follow up the conciliation. The Act of 1793 was succeeded by the Convention Act. He did not mention this for the sake of a mere useless reference, but because they had seen the same policy adopted in our own time: they had seen those who had conceded Catholic Emancipation in 1829 follow it up in the same old spirit, and every attempt was made to render it practically inoperative. What was the first great measure, in reference to Ireland, which the House had to consider after Catholic Emancipation? The Irish Reform Bill. They were then told by hon. Gentlemen opposite that the concession of Parlia-

mentary reform to Ireland ought to be resisted on different grounds from those on which it was resisted in England, because its concession would endanger the Established Church in Ireland, would strengthen the hands of the hon. and learned Member for Cork, and promote the designs of those who sought a dissolution of the Union. Irish Members did not stand alone in this, English Members and the leader of the party expressed similar sentiments. There was one among that party now who then warned the House that, by resisting reform on such grounds would tend to a Repeal of the Union, and singular to say, that the same man, on the same ground, afterwards resisted the Municipal Reform Bill. On this ground the House resisted municipal reform for three years, and sought to destroy the municipal franchise. From that they were driven by the spirit of fair play which existed in England, and then they said they were were willing to concede corporation reform to Ireland, but the large cities were alone to be favoured, so that the franchise was given with one hand and taken away with the other. Still, however, a system of exclusion was prevalent. In all these cases they had shown the same indisposition to grant any substantial power to the people of Ireland; and he believed that the same reason had prevailed from the beginning to the end—namely, the fear of strengthening those from whom they differed in religion. It had been well if this feeling had gone no further than to restrain the granting of new power; but that stationary line of policy would not suit all persons, and the noble Lord the Secretary for the Colonies had brought forward a Registration Bill, of which it was unnecessary to say more than that it had been condemned, even by that man who, above all, might be said to belong to the peculiar party of the noble Lord—he meant the right hon. Baronet the Secretary of State for the Home Department (Sir J. Graham). The measure had met with the condemnation of the right hon. Baronet—it had elicited a confession from him that the bill would diminish the Irish constituency, and that he knew that the Government would be unable to bring forward any measure upon that subject until they made an addition to the franchise. What was the result of the first division on that bill? The Government succeeded in carrying the second

reading by a majority of sixteen, and the result was, the establishment of that very body which now disturbed them and Ireland—though he used the term in very different senses in applying it both to the Government and that country—that body which was now the subject of so much alarm—he meant the Repeal Association. The Repeal Association was established in the year 1840, within a week or two only after the second reading of the bill of the noble Lord. He would now refer to a subject which had been before alluded to, he meant the appointment of Roman Catholics to office by the late Government. Hon. Gentlemen opposite seemed to forget the howl of indignation with which the announcement of the appointment of the right hon. Member for Dungarvan (Mr. Sheil), the hon. Member for Waterford (Mr. Wyse), and the promotion of the hon. Member for Kildare (Mr. O’Ferrall), was received in this country? In that House not a word was said upon it, those who sat in that House were too careful to make attacks on such appointments. But what was the language employed out of the House? What was the language of petitions presented to that House? What was the language held at public meetings, from which Members of that House were not excluded? It was a complete attempt to revive in this country that species of excitement which the hon. and gallant Member for Westminster (Captain Rous) had last night so much deprecated, the unchristian and uncharitable No-popery cry of the last century. And surely it was not now for the Government to repudiate the efforts of those persons whose exertions had brought them into power? Did they forget the allusions made to the conduct and the fate of James 2nd? Did they forget the outcry which was made when the Queen appointed the right hon. Member for Dungarvan to be of her Privy Council? He wished that he could forget all this; and he only recalled it to the memory of the House, not in a spirit of anger, but to show them how these disturbances had been created, and how alone they could hope to avoid the recurrence of such events. In the midst of all, however, there was one part of the subject to which he could refer with pleasure and pride; and that was, that amongst all the assaults made on the Established Church by those with whom he was connected, there had never been one word uttered

disrespectful to the religion of hon. Gentlemen on the other side of the House. Such as he had described had been the policy of hon. Gentlemen opposite whilst labouring under the responsibilities of opposition. What had they done since they had acquired the greater responsibility of conducting the affairs of the State? Much had been said of the appointment of the noble Lord the Secretary for Ireland (Lord Eliot). That noble Lord had, it was true, shown his fitness for governing Ireland by differing from his Colleagues upon a question apparently, after all, of no very great importance, but affecting to a considerable degree the interests of Ireland—he had voted for an 8*l.* instead of a 9*l.* rating. It was in truth a trifling difference; but the more trifling the concession, the more plainly it served to mark the conduct of those who opposed it. But whatever provision the Government might have made for Ireland, it was soon seen, that connected as they were with a party who tied their hands both in this country and in Ireland, had little to hope for either in the way of the Irish new measures of relief, or in a fair administration of the existing laws. It soon became obvious, that they were pursuing such a course as would neither conciliate their opponents nor give satisfaction to their supporters. But since the late excitement had arisen in Ireland, he must do the Ministry the justice to say, that they had taken a step, but, like most other proceedings, unwillingly adopted, it was in the wrong direction—a step, above all others, most absurd and most dangerous—that of the dismissal of the Irish magistracy. And the Government, he believed, was already aware of their folly. What was the answer of the right hon. Baronet (Sir J. Graham) the other evening, when he was asked by the hon. Member for Waterford, whether it was true that a certain number of magistrates, who had attended certain repeal proceedings at Clare, had been dismissed? He said that it was; and the reason given for their dismissal was not, that they had attended repeal meetings, but only a public dinner. Was this the avowal on which the Government intended to act—that they intended to dismiss magistrates because they went to public dinners? There was the case of Mr. Clancy, in which this course was justified; and when the hon. Member for Waterford asked whether this was the general rule to be acted upon, it was



evaded by a dexterous movement, and the question was not answered. There was another case—that of Mr. Roe. He had been chairman to a dinner in Tipperary; but Mr. Clancy had not been even chairman, and he must have been dismissed solely because he had ventured to listen to Liberal toasts and speeches. If ever there had been a step properly characterized as absurd and dangerous, it was this. Such measures had produced a great deal of ill-feeling and of disgust in the minds of the Irish people. He did not mean to say that this was the only cause of that excitement which now prevailed. Unfortunately, many causes of that lay much deeper; and the practical question now presented itself, of what was to be done with a view to the removal of such reasons for discontent as existed? It became the duty of the Government now to determine what step should be taken. As yet they had held out no hopes of any measure. The right hon. Baronet (Sir J. Graham) had spoken the other evening of the obstruction offered to measures of importance to the public peace, alluding, of course, to the Arms Bill; but this seemed to be the only measure which they could hope for to sooth the prevailing discontent. He did not wish to go into topics of minor importance; but he must correct the extraordinary misapprehension of the right hon. Gentleman the Member for the University of Dublin (Mr. Shaw). The right hon. Gentleman said, that the revenues of the Church had been reduced to the amount of 400,000*l.* This was a most extraordinary statement. From the return published by the commissioners appointed to inquire into the ecclesiastical revenues and expenditure in Ireland, it appeared that the property of the Church, up to the time of the Tithe Commutation Act, amounted for bishops to 151,000*l.*; for prebendaries and canons, 45,000*l.*; and parish incumbents, 610,000*l.* That made the gross total, at the time of the passing of the act, in 1838, 806,000*l.* per annum. The total amount of the tithe composition was 520,000*l.*; and taking away 130,000*l.*, which was 25 per cent. on the amount, it left out of the 806,000*l.* a sum of 676,000*l.* There were some sums charged twice, but deducting these, as well as various expenses paid, a gross total of money now received was 605,277*l.* per annum. This sum was paid as the remuneration for the services of 2,200 clergymen,

required for 850,000 of his countrymen. He could not see how so small a number of persons could require so large an amount of religious instruction; but the class to which he belonged, numbering 7,000,000 of persons, were instructed by a body of no more than three thousand priests. The duties of the priests were as extensive in their nature as those of the clergy of the established Church; but if 3,000 of the former were able to attend so large a number of persons, how was it that 2,200 Protestant clergymen were required for a body of protestants so much smaller in number? Then it was said, that the principle of the appropriation clause had been rejected. So it had, but long before it was proposed by that (the Opposition) side of the House, it had certainly been adopted in principle by the noble Lord who was at present its great opponent. That noble Lord (Lord Stanley) took 60,000*l.* a-year from the Church in the shape of vestry cess, and the noble Lord had diminished the number of the bishops, because he said, they had not sufficient duties to perform. How, after that, the noble Lord could refuse to reduce the number of clergymen, if it appeared, that they too, had no duties to perform, he was unable to understand. He did not think that the people of Ireland would object to a respectable provision for the Protestant church in that country; but what they wished, was, to see those funds which were not wanted for that purpose, applied to some object in which they possessed an interest. The promotion of education had been mentioned as a proper purpose to which it might be applied. He believed the time had passed when the Roman Catholic minister, or his flock, wished to receive anything out of such funds. But there were purposes unconnected with the payment of the Catholic clergy to which they might be applied. He might suggest the application to a purpose, and in aid of that which had been the subject of much vituperation, the grant for the better education of the Catholic clergy. Many of those men were blamed that they were not the polished gentlemen which the ministers of the Established Church were; but what was the answer? The education at Maynooth was hasty, rough, rude, and imperfect, because the funds were small. For his own part, he did not care much to in-

sist upon the Maynooth grant, and if the Parliament were prepared to go with him and give up the 600,000*l* annual revenues of the church, he would abandon Maynooth altogether. That was an extreme measure, which he did not think he should obtain; but he really believed, that a little enlightened liberality in this matter would do much to relieve that discontent which now prevailed in Ireland, and to assure the Catholics, that there was some prospect of their interests and desires being cared for. He repeated, that there existed no wish in Ireland, that the priesthood should be paid out of the revenues of the Protestant church; but, he thought, that the Government might wisely follow up the proposition of the noble Lord the Member for Sunderland, and remove those enactments which prohibited the Catholic clergy from assuming the title of bishop. A priest ordained by a bishop, not duly authorised, was held to be no priest; but, if he conformed to the Established Church they, who were the great advocates, and insisted most strongly on the necessity of episcopal ordination, admitted his ordination to be good. He called upon the Government, then, to frame a measure to admit these bishops to their right titles, and position; and he begged the Government not to keep up a petty contest on this point for the sake of gratifying the most miserable of all feelings which, under the disguise of religion, could creep into the human breast. He would pass on now from this question, and would come to another of great importance in the present state of Ireland—the relation between landlord and tenant. This was a grievance which it was said could not be got rid of by that House without adopting an extreme remedy. He was sorry, that his hon. Friend the Member for Rochdale had been prevented from bringing forward his motion upon this subject. That hon. Member was peculiarly entitled to respect; as a landlord, he was second to none in his conduct of his estate; he came from a part of the country in which the custom of recognizing the tenant's right existed, and where this custom prevailed, these disputes about the position of land were unknown. The hon. Member proposed to adopt a rational and moderate course—to give to the tenants by law, what the people in his part of the country gave by custom, namely, compensation to all

tenants who had made improvements on their holdings. He believed that such a measure would go far to ameliorate the condition of both landlord and tenant. However difficult it might be to carry out in detail the principle of his hon. Friend, it would still be a valuable experiment, and an experiment, of the ultimate success of which no doubt could be entertained. Then, as to the question of the franchise; something, he thought, must be done on this subject. There was a great unwillingness on the part of landlords to grant leases to their tenants; and it would be worth while for the House, when they came to consider this matter, to take care, first, that they must not give too much power to the landlord to take away the franchise from the occupying tenant, and, secondly, not to put the tenant too much in the power of the landlord, and render his vote that of the landlord. These were difficulties, which he feared Government would not sincerely grapple with. It was objected that this motion implied a want of confidence in the Government. For his own part, he did not think, that any hon. Member could have been found better fitted to bring forward this motion, because more moderate in his views, than the hon. Member for Limerick. But if such want of confidence was implied, was this a time, he begged to ask, at which they should attend to a petty point of honour and trifle with the interests of a great country. This was a time at which they ought to admit the wrong they had committed, and to hold out some hopes that they would adopt a different course of conduct for the future. For his own part he supported the motion with no desire to embarrass the Government, but because he believed that whatever party should be in power, the subject of Ireland must be taken into consideration. The subject of repeal had been referred to. Those who entertained a belief that repeal would have a favourable effect upon Ireland, were entitled, he maintained, to express that opinion; but those who entertained a different view were entitled to contend against the arguments of their opponents. He was told that the repeal of the union would lead to a separation of Ireland from this country. He declared his belief, and four-fifths of the repealers he was confident entertained the same opinion, that nothing could be more in-



jurious not only to England, but to Ireland, than the separation of the two countries. With this full conviction he asked the House to recollect, that if there were any danger of separation from the repeal of the union, the present state of things did not leave the country free from such danger. Whatever danger there might be of a collision of two Parliaments, whatever danger there might be of a collision of the two countries, or of the population of one country with the Parliament of the United Kingdom, it was for the Legislature now to say what they would do. The right hon. Baronet had been frequently called upon to express his views, but he had made no sign. He implored the Government not to allow this debate to pass without telling the people of Ireland what they meant. If they meant even to do nothing, dangerous as such a course would be, let them say so; but if they would do that which was most essential to the interests of Great Britain, as well as of Ireland, they would immediately take this subject into their serious consideration. No one could ask them to decide on such a subject in less than a few days; but let them hold out some rational hope that a remedy would be applied to the grievances under which the people of Ireland now laboured. The people of Ireland were not a suspicious people; they were often too credulous in their nature. Let the Government honestly admit the wrongs which they had committed; but, above all, he implored them that when they did make concessions—and sooner or later they must do so, to avoid the fatal errors of past times; let them follow out the concessions in a generous and confiding spirit. Let them not first create a power, and then, by a mischievous course of policy, induce the people to make a hostile use of that power; but let them give to that people full and liberal confidence, for by that means alone could they unite the people of Ireland to this country in the true and lasting bonds of peace and friendship.

Mr. G. A. Smythe believed, that the difficulties by which the Government was at present beset, arose, not so much from Ireland as from England—from the Popery of Ireland, not so much as from the No-Popery of England. Some of our suburban pulpits were still disgraced by exhibitions which would be revolting if they were not ridiculous. Those feelings of

No-Popery, unfortunately productive as they had been of mischief in this country, still lingered in the classic precincts of Exeter Hall. The table of that House was still invaded with petitions, which, to say the least of them, were couched in terms not complimentary to the faith of our Roman Catholic fellow subjects in Ireland. In that Session of Parliament he found by the reports published on the subject of public petitions, that thirty-nine petitions had been presented against the grant to Maynooth; thirty-nine was the number—a number sacred to the character of Calvinism. But if this No-popery feeling had proved, as he had no doubt it had, an obstacle in the way of conciliation, he thought that there was another no less formidable obstacle—he meant the perpetual Toryness of the policy of this country. It was much to be deplored that Mr. Pitt had been thwarted in his designs—it was untoward that he should have been driven to resign, as he did in 1802. It was untoward that the same attachment to the same question should have estranged Mr. Canning from his own political friends, and should have thrown a gloom over the last moments of his existence; and he should not scruple to say—no party considerations should induce him to refrain from saying, that he regretted that it was not he, but the right hon. Baronet—that not the hand that had been raised in its defence, but the hand always ready for attack, should have been the means of carrying that great measure. If that act had been passed by Mr. Canning, instead of the right hon. Baronet, he believed that the good that would have resulted from it would have been infinitely greater than had been felt. And what were the inducements of the right hon. Baronet to pass that measure? Was it from sympathy with the sufferings they had undergone?—was it an indignation at the treatment they had experienced? Had he become alive to the truth of the observation of the old Tory Dr. Johnson, who said that not even the cruelties inflicted under the Two Persecutions were so great as those perpetrated by the Protestants towards the Catholics of Ireland. Or was it from some strange fancy that no religious distinctions should longer be allowed to interfere with civil rights? On the contrary, the right hon. Gentleman told the House that no reasoning of this kind influenced him, but he used some

memorable observations in his last words on the second reading of the Emancipation Bill, for they contained a summary of the motives which influenced him. He said, that those who were then opposed to him would hereafter see that the course which he had followed, and which he was still prepared to follow, whatever imputations it might expose him to, was the only course which was necessary for the diminution of the undue, illegitimate, and dangerous power of the Roman Catholics, and for the maintenance and permanent security of the Protestant interests. Did the right hon. Gentleman afterwards give any explanation or modification of those opinions? No. Was this boon not so conceded that it must almost necessarily fail in its results? Was it wise or politic on such an occasion to assert that the power of the Roman Catholics was dangerous and illegitimate in reference to Protestant interests? He doubted whether, when the motion of the hon. Member for Sheffield came forward, it could be shown that the proceedings then taken had rendered the Protestant Church more stable or secure. When the right hon. Gentleman passed this measure of Catholic Emancipation, accompanied with restrictions of a trifling, but vexatious, nature, he might have supposed, as the result had shown, that they would become void in operation, and that the Roman Catholic hierarchy of Ireland would not be deterred from assuming a title to which they had been accustomed from the paltry consideration of a fine of 100*l*. But even when that measure was brought forward it was most strenuously opposed by the right hon. Baronet the Member for Kent, and by a noble Lord who was now a Member of the other House, and who was also a Member of the Government; and when they had so constantly put forward opinions so adverse to the concession of these claims, would it not have been graceful and becoming if the right hon. Gentleman, since his accession to power in 1841, had removed those restrictions which he had thought fit to continue by the act of 1829? It might be said, that the removal of those restrictions was of little importance, as they were inoperative. But he would observe that, although they might be said to be a trifle out of Ireland, it should be remembered nothing was regarded as a trifle in the estimation of people whose feelings were excited. An

hon. Member had said, that the people had no interest in doing what he had suggested; but he begged the House to recollect that the Government was not so much estimated by its intentions as by the feelings of sympathy which it manifested with the people, and it often happened that the slightest indication of good feeling was estimated in a high degree, and this was often observable from—to use a familiar expression—almost the turn of a straw. To make use of a term applied by the journal, the first in circulation in this country, that under some circumstances matters of apparently the least consequence have great weight. There were many means of comparatively small amount by which that House might show its sympathies with the people of Ireland. It was not generally known that the college of Maynooth was in debt. He knew that the amount of this debt was a very small sum, and he also knew that the noble Lord the Member for Cornwall was fully aware of this. Now, he was sure that the Government would not think it a matter of reproach to take measures to do something more for that institution. He had recently visited that institution, and if there was one thing which struck him more than another in that college—and he believed that he might say that the same feeling was entertained by his noble Friend the Member for Newark, who had accompanied him in his visit—it was the decent poverty and respectable humility of its inmates. He knew that a feeling existed against that institution, and more particularly on his side of the House. He had heard with regret, hon. Members say, that the Maynooth priests were of the lowest possible popular extraction, and that they were descended from those who were in the very penury of poverty, and contrasted them with what were termed the old continental priests, who were educated at Douay, or other foreign colleges; and they were told that these latter men were of learned and refined manners, but he did not find that their learning exempted them from the pains and penalties of the penal code, or that their politeness saved them from persecution. For one, he should not have the slightest hesitation to join issue as to the charges which had been brought against that institution. He thought that it was a fortunate circumstance that the priests were of this popular character, for he believed that priests for



the people should be of the people. This was his deliberate feeling and opinion. They were like the priests of La Vendée, where their parishioners might almost be regarded as the sons of the priests. If at the commencement of this century the Government had pursued the wise system of fostering the priesthood, and not adopted the beggarly system of doling out a paltry allowance to this institution—if they had carried out the wise designs of Mr. Pitt, by attending to this matter, in which the people were so deeply interested—if they had followed the example that had been set them elsewhere, the priests would have been found, as in the west of France, the advocates of order and peace, and the preventers of agitation and excitement. He had given expression to similar opinions two years ago, and he had brought down upon himself a strong censure, but he had felt no reason to alter them. He had been in hopes that her Majesty's Ministry would at last be induced to govern Ireland in the spirit which actuated Lord Chesterfield about a century ago. At that time Scotland was in a state of rebellion, and England was also in a state of rebellion, and Ireland was momentarily expected to break out in rebellion, from the well-known attachment of that country to the Stuarts as well as to their common religious feelings; but the Minister who then governed Ireland had the courage to resist the pressing the penal laws into operation; and the Roman Catholic population of Ireland did not disappoint his expectations, for they remained peaceable. If the Government now came forward with large measures of conciliation—if they came forward with those measures which his noble Friend, the Member for Newark had advocated, and which, if carried out with the same ability and manliness that was displayed last night by the noble Lord, the Member for Sunderland, much would be done. But again he must repeat, you must govern Ireland in the spirit in which Mr. Pitt proposed to govern it. But do not suppose, that a Minister, who, fifty years ago, would have passed the Emancipation Bill, would now be satisfied with that measure. Do not suppose that such a statesman would say, that having given Emancipation, he would go no further. Do not suppose that he would say, that because fifty years ago he gave 9,000*l.* a-year to Maynooth, that he would now

go no further, and confine the grant to that pitiful sum. Do not suppose that the tithe commutation, which had graced the hands of the noble Lord below him, which, if proposed at the commencement of the present century, might have done much, and would have proved of great moment, would now be regarded as satisfactory, or compensate for numerous evils which proceeded from causes far more deep than were formerly supposed. Certainly such a Minister would not have come to the House with an Arms Bill as a remedy. He would not have come down with an Arms Bill, and an Arms Bill alone. Nor did he think, that if such a Minister should introduce such a measure, that he would one day propose a clause in it, which was certain to excite the greatest alarm, and the next day come down and abandon this clause, because it had given rise to alarm. What should he say of the Minister who—

“Back recoil'd, he knew not why,  
Ev'n at the sound himself had made.”

Now, he had thought, when they came to the resolution to bring forward an Arms Bill, that it hardly would have been accompanied with such a declaration of policy as had proceeded from the noble Lord, the Member for Cornwall, in which he had endeavoured to show that all opinions with respect to the Government of Ireland were right, except his own, and in which the noble Lord expressed himself as being everybody's humble servant by turns, and that, notwithstanding all that had recently occurred in Ireland, he was the humble servant of events, as Cardinal Mazarin said of Monk. The noble Lord was waiting for something to turn up. The noble Lord seemed to have no fixed plan either to conciliate affection or to put down agitation; but of one thing he was sure, that he could show nothing but shades of opinion on what was going on around him. In conclusion, he earnestly prayed that as the name of the noble Lord was known in history by the armistice which bore his name, that it would not be attacked for a contrary result in the Arms Bill, and that as the greatest horrors of civil war were put a stop to in Spain by the convention of Logrono, that the Arms Bill would not give rise to a directly opposite result, and establish a contrary character for the Eliot government in Ireland.

Mr. *Hawes* said, that the Government seemed determined to leave matters to drift down the tide of opinion, and to trust to events to escape from the difficulties in which they were involved in Ireland. When he found that speeches like those of the hon. Gentleman who had just sat down, and the noble Lord, the Member for Sunderland, were allowed to pass unnoticed by any Member of the Government, he could not hope that anything that he or any one else could say, would elicit any explanation; and that, therefore, the speeches made in that House might be supposed to be addressed to people out of doors. Any attempt to obtain information from the Government seemed a hopeless task. He would say, on behalf of the commercial interests of the country, that those signs of reviving trade which appeared some time since, had been materially checked by the conduct of Ministers with respect to Ireland. The allowing the present state of things to continue was most detrimental both to England and Ireland, and if care was not taken, a storm would be excited in England, in comparison with which, that which now prevailed in Ireland would be but as a summer's gale. He believed that the right hon. Gentleman was actuated by the purest feeling in passing the Catholic Emancipation Act, and he called upon him now to act upon the same principles that had then actuated him. The right hon. Gentleman then said, that by the concession of the Catholic claims alone could they hope to obtain tranquillity in Ireland. By that measure they might expect to benefit the Catholic nobility and clergy, but not the great body of the people. The right hon. Gentleman must have been then fully aware that he could expect no peace without popular concession, after granting the Catholic claims, for the right hon. Gentleman had stated as much himself in 1817. The right hon. Gentleman must also have been aware of this from the opinions of many eminent persons, given antecedent to the passing of the Emancipation Act. Dr. Troy, in his evidence before the other House, in 1825, said that—

"After passing the Emancipation Act, if you did not endeavour to ameliorate the condition of the people, you would not have peace."

Again, Dr. Doyle, in a well-known publication, said—

"The Irish will become Reformers. Ay, to a certainty they will, if you continue to treat them unjustly, and Reformers of the very worst description; they will ally themselves with any enemy that political corruption may have. Reject them—insult them—continue to deprive them of hope—and they will league with Beelzebub against you. Revenge is sweet, and the pride of a nation is like the vanity of a woman when wounded—it is relentless. They will repeal the Union. Yes, undoubtedly. The present generation will not pass if you continue the old system, until you will find the cry for Emancipation turned into a clamorous demand for that very measure."

This was precisely in conformity with what had been said by the right hon. Baronet in his speech in 1817. In addition to this, he had the evidence of a gentleman who was examined upon a committee of the House in 1832, which was after the Catholic Emancipation Bill passed, the rev. N. O'Connor, who said—

"I have often heard these conversations amongst the peasantry. What good did Catholic Emancipation do us? Are we better fed or clothed, or our children better fed or clothed? Are we not as naked as we were, and eating dry potatoes when we can get them? Let us notice the farmers to give us better food and better wages, and not give so much to the landlord, and more to the workmen; we must not let them be turning the poor people off the ground."

This evidence only confirmed the opinion that as long as the social condition of Ireland was allowed to remain as it was, that the great object which you had in view in passing the Emancipation Bill, namely, the tranquillity of Ireland, would not be effected. He had met with a striking passage on this subject in a pamphlet written by an intimate friend of the late Lord Holland, he meant Mr. Allen, of Dulwich College, on the subject of national property, written after the policy of the opposition had been developed. That gentleman said:

"We are accustomed, and justly, to treat with contempt or indignation the grounds on which the Repeal of the Union is demanded; but if the Imperial Government refuses or neglects to inquire into the truth of these statements, or, supposing their truth to have been ascertained, to apply a remedy, that question will assume a very different aspect."

There was now an agitation in Ireland which was more dangerous in its tendency and in its extent than any that had ever appeared before in Ireland, and the



Government, apparently, paid no attention to the causes which gave rise to it. The right hon. Gentleman had said, that Catholic Emancipation was not a measure in itself to tranquillise Ireland; why, then, were not such measures now brought forward by the right hon. Baronet, when he had such a large majority behind him, as would have the effect of tranquillising that country? Why had anything with respect to Ireland been delayed until nearly the end of the Session? The right hon. Baronet, and other Members of the Government complained, that they were prevented proceeding with measures which would be attended with the greatest benefit to the country by the lengthened discussions that had taken place. What beneficial measures had been impeded by discussions? Was it the Ecclesiastical Courts Bill? That measure, when it was first brought forward, had received the support of the opposition: and it was opposed by Members on the Ministerial Benches. The measure had been put off from time to time by the negotiations that had been carried on respecting it, and it was now cut down and frittered away to such an extent, that it should be thrown aside as utterly inefficient. Was it the County Courts' Bill? It had never been brought before the House in a shape for discussion. The Arms Bill could hardly be called a bill to amend the social condition of the people. He thought, that they had a right to expect that, in such an emergency as the present, the right hon. Gentleman should be prepared with measures to meet it, for surely the right hon. Baronet must have been as fully aware as other persons what was about to take place. He confessed, that if he were in the place of Mr. O'Connell, he should have adopted the policy pursued by that gentleman, as the only one likely to get from the fears of the Government such measures and concessions as were necessary to ameliorate the condition of Ireland. The question, however, was, did the Government mean to concede, or to resort to measures of coercion? One course or the other must be pursued. For his own part, he relied so far on the love of the right hon. Gentleman for constitutional proceedings, as to feel tolerably well assured that he would not adopt a coercive policy. He knew, that there was a decided spirit out of doors against resorting to any such course, and he would venture

to say, that any attempt to adopt a coercive policy towards Ireland would be resisted by the good sense of the people of England. It would not be safe to peril the cause of future good Government in Ireland by going beyond the present bounds of the law. Was the right hon. Baronet prepared to resort to this unwise policy, or to adopt the old Whig policy of concession. The noble Lord, the Member for Sunderland, had truly told her Majesty's Ministers last night, {that if they adopted a course to uphold the law, and that if they were prepared to bring forward measures of concession, with regard to the religious feelings of the people, he would have the cordial support of that side of the House. He (Mr. Hawes) represented a large constituency, and he was sure that the general feeling there would go with the right hon. Baronet if he took a wise and just course. It must be obvious to every reflecting mind that the right hon. Gentleman could not maintain the Irish church, if the present, or any policy touching on coercion was adopted. If this policy was pursued, it was obvious that the Irish Protestant church was doomed—and nothing could save it. He greatly feared, that if they persisted in a course of coercion, or even attempted to maintain the present state of things, that it would be their fate, as it was the fate of a former Tory Government, to drive the country to rebellion. They had lost one of the most important parts of the empire through a want of timely concession, and, if they persisted in maintaining the Church in Ireland—they might look to the most disastrous results, and perhaps even the disorganization of the empire. He could not, however look back to the right hon. Gentleman's long and useful public life without entertaining better hopes. He could not bring himself to believe it, until he saw the message from the Throne on the Table, that the right hon. Baronet was determined, through a course of bloodshed and violence, to maintain the Irish Protestant Church in its present unjust state. No doubt the right hon. Baronet might succeed at first for a time by force; but even his victories would be dangerous. This effect could not be produced in Ireland, without producing a similar effect here; and the right hon. Gentleman would have demands made on him here, with almost resistless force, and the granting of which would

be perilous to the institutions of the country. He took Ireland to be actually in a state of legal insurrection at the present moment. It was in the hands of an individual who cared nothing for the declarations made in that House or elsewhere, or the dismissal of magistrates; and he persisted in his agitation in defiance of the law. If they waited until some blow was struck, they would involve themselves in a most dangerous position, for it was inviting people to commit crimes, and it was giving up the very functions of Government. The course that had been adopted by the Government, in refusing to enter upon any explanation, was treating the House and the country with contempt. He would say, that the debate ought not to terminate until the House had received a clear view and explanation of the policy intended to be pursued by her Majesty's Ministers. The effect of concealing the future policy of the Government, as regarded Ireland, had been most disastrous to the commerce of the country and to all the various interests involved in it. All foreign nations were looking with more or less earnestness towards Ireland; all our great colonial and commercial interests were waiting, with more or less anxiety, for the Government declaration on this most important subject. The whole country was eagerly expectant to hear what would fall from the right hon. Baronet at the head of the Government. The right hon. Baronet at the head of the Home Department had said nothing, or, rather, he had said worse than nothing, for he had declared to the House and to the country that conciliation was at end—a declaration, indeed, which would have very fairly led those who heard it to infer that something decisive was about to be done in the way of coercion, since conciliation was at an end; but the right hon. Baronet in a second speech modified his first statement, and left the matter where it originally stood. The noble Lord the Secretary for Ireland had also spoken. His speech was an able and kindly one, but it was the play of *Hamlet* with the character of *Hamlet* omitted, for not a bare notion did it convey of what was intended to be done for Ireland, or whether anything at all was to be done. Then, again, the Attorney-general for Ireland had, it was true, made a speech, but what did he say to the purpose? Not a word. Talk of the House of Commons being made

ridiculous in the eyes of the public! Talk of the time of the House being wasted! Why it was the Government who were making the House of Commons ridiculous, it was the Government who were wasting the time of the House. If the Government had at once taken a decided and manly course, if they had boldly and distinctly declared what their policy was to be—if, instead of this trumpery Arms Bill, they had brought forward a measure or measures conveying some decided indication of policy, whether those measures were coercive, or whether they were conceived in a spirit of conciliation and justice, the Irish question would have assumed a very different character. There would have been no complaints then of the time of the House being wasted. But he thought by this time the right hon. Baronet had had quite sufficient indications from both sides of the House that the course of policy, if so it might be termed, which he was now pursuing, was not likely long to meet with the support of the House, or even of his own party; that assuredly out of doors there was but one opinion on the subject; and no better indication of what that opinion out of doors was could be furnished, than had been supplied by the manner in which the newspaper which had been referred to had, on more than one occasion of late, found itself under the necessity of declaring the voice of the people upon the matter. That journal, regarded as the great supporter of the Government, told the right hon. Baronet in the most distinct terms, that it was essential for him to make up his mind to pursue one course or another, for that his present lethargy would be fatal to all parties. The actual state of England itself was not one which would much longer bear this state of suspense. Any person who considered the existing condition of agitation and angry excitement prevalent in Scotland, and in this southern portion of the empire, must feel convinced that if effectual measures were not taken to remove the causes of that excitement, the evils which now so cruelly disturbed Ireland would, ere long, come home to our own doors. He, speaking as one of the representatives of no unimportant portion of the people of England, implored the right hon. Baronet to lose no further time, but at once and boldly to speak out—to tell the House, to tell Parliament, to tell the country, whether he proposed to do



anything to remedy the social and political condition of Ireland, and to tell them distinctly what it was he proposed to do. The social condition of that country was, at least, no party question. The relation of landlord and tenant there, every one must admit, could not be allowed to remain in its present state; and the Government certainly could do something towards remedying this great and most mischievous grievance. But, whatever was to be done, let the House and the country know what it was to be. If the silence of the Government were to be persevered in, the only remedy remaining would be an appeal to the people—the getting up a strong demonstration of opinion out of doors, which should either force into office another Government, more able or more willing to speak and to act, or compel the present Government to alter altogether its course. The right hon. Baronet could not charge that side of the House with factious opposition to his measures. Almost the only measure, indeed, which they had had an opportunity of opposing at all was this Arms Bill; and he considered it perfectly legitimate and right to oppose that measure to the utmost extent, and by every means permitted by the forms of the House. He was aware that if this measure were persisted in, it would be impossible for the Government at the present advanced period of the session to do much in the way of proposing other measures. How remarkable a subject for reflection would it be, that a Government priding itself upon the number of eminently practical men it possessed, with a majority at its back far larger than any Ministry had possessed for many years, should have gone through a whole session without proposing a single measure of utility, without having introduced any measure at all which in its progress through the House had not been materially altered from the form given to it by its framers. When the present Ministry came into office, it was said—well, at all events, we shall have a strong Government, able to carry through measures which the Whigs could not carry. What was the result up to the present period? There had been no great measures carried by this strong Government of their own framing; and the measures which they borrowed from their predecessors had been stripped of their fairest and most useful proportions. What was the explanation of all this? Was it that the right hon.

Baronet was encumbered beyond release by the principles and pledges he had advanced when in opposition, and the friends those principles and pledges had got him. Was it that the course which, when in opposition, he had so pertinaciously acted upon, of obstructing every useful measure the then Ministry proposed, now served to obstruct himself as Minister? Was it that the system then pursued of feeding every violent party man on the then Opposition side of the House with the hope that when the right hon. Baronet should come into office, then would be the glorious triumph of the old Tory principles, now fettered the right hon. Baronet as Minister? Was the right hon. Baronet in this most perplexing and difficult position, of being at once ashamed to adopt the measures which, when out of office, he opposed and obstructed, unable to adopt measures of his own, and afraid and unwilling to adopt the measures of others. He could not say how long the friends of the Government in that House might remain satisfied with this state of things; but he knew very well that the people would not long remain satisfied, or even quiescent. The time was coming on when the country would stand up in masses, and express an opinion not to be withstood, against a Government which, having turned out a Ministry who, at least, attempted to effect great public objects, did nothing whatever of good for the people—but having involved one portion of the empire in such dangerous agitation and excitement, that civil war seemed almost impending over us—at the very moment when decided action of some sort was called for, seemed struck with a fatal lethargy, and left the vessel of State to wander helplessly on, without rudder or compass, showing themselves as weak in office as they were factious in opposition.

Mr. Colquhoun would, in the first instance refer to the speech of the noble Lord the Member for Sunderland, and he could but express his admiration of the eloquent and accurate history of the causes detailed by the noble Lord, which had contributed to the unprecedented increase in the population of Ireland, and some of the consequences which had flowed from this increase. He would instance the case of the Highlands of Scotland to show that great distress consequent on a rapid growth of population was not peculiar to Ireland. It was his opinion, therefore, that one of the

causes which produced the evils under which Ireland was now labouring, was the rapidity with which the population had extended itself. The noble Lord, the Member for Sunderland, had further stated, that another difficulty under which Ireland laboured, was the want of capital, and the reason the noble Lord assigned for this was the want of due security. Now, he would just ask the House to consider what the condition of Ireland must be, when capital was so redundant in England, and capitalists so enterprising, which prevented capital from flowing into it, though it was otherwise a part of the empire where there was every possible inducement for the employment of capital, where every facility existed for manufactures, and where the most advantageous field for trade courted the investment of capital? What was the reason? The reason had been correctly stated by a gentleman who stood aloof from party, who agreed in politics, not with him, but with the other side, who was a most unexceptionable testimony — Mr. Pierce Mahony, of Dublin, an eminent solicitor and an intelligent gentleman. This gentleman said :—

“He had in the course of his business again and again received applications to invest large amounts of capital in Ireland; but when the state of the country was brought under the notice of these parties seeking investments, they abandoned their intention. He knew one party who wished to invest no less a sum than 500,000*l.*, but when the political agitation broke out in 1829, that gentleman gave up his intention.”

Now, he should very much like to hear some reason assigned for the fact of political agitation breaking out in Ireland the year after emancipation, which agitation was led by the same party, created in the same manner, and conducted by the same individual who headed the present agitation. It was impossible to devise any measure which would have the effect of tranquillizing Ireland, and of producing all the beneficial results which peace and good order would ensure, so long as political agitation was suffered to prevail to the extent which it now prevailed. If the House would permit him, he would bring under its notice some extracts from letters of respectable parties in Ireland, which letters he should be happy to place in the hands of the Secretary of State for the Home Department, with the view of showing what was the real state of that country and the necessity for some change. He added

his voice to what had been said on both sides of the House—that the condition of things, which had been shown to exist, and which these statements could confirm, ought not to be allowed to continue. It was absolutely necessary that some definite course should be taken by Government. It was indispensable that the peaceable part of the Irish nation should know whether the present agitation was to continue or cease. He would begin by reading to the House an extract of a letter from a magistrate near Tipperary :—

“I never recollect the alarm and excitement to be so great or so general amongst both Protestants and Roman Catholics. Some of the gentry about me are putting their houses into a state of defence to resist attack in case of the outbreak of the peasantry. Several families are leaving their homes. I, myself, have prevented my wife and family from leaving England to pass the summer here, as I do not consider that it would be safe for them to do so. We expect an insurrection, and the peasantry are full of hope and confidence of success. We know that England must ultimately conquer, but what is to become of us in the meantime? Many of us may be massacred, our houses burned, and our property seriously injured. The Romish priests are the most active and violent agitators. They never at any former period came forward so openly. In their speeches they tell the assembled multitudes that England has not the power to resist them. What is called passive resistance to the payment of rates, county cess, and rent, is becoming general here.”

2. From a magistrate from the county of Tipperary :—

“On Friday, night, the 16th of June, we perceived signal fires blazing in all directions for several miles round, and could hear the people collected about them yelling and shouting in a most ferocious manner. They were heard to cry, ‘Repeal or blood.’ As we were before led to believe that these fires were to be the signal for a rising and attack upon us, we remained up and armed the greater part of the night. We are in a very unprotected state in this part of the country.”

3. From Limerick :—

“There is an universal feeling of insecurity arising from the fact that the whole of the humbler classes are, through Repeal clubs, completely organized, so that the whole country is, as it were, covered with one huge train of gunpowder ready to explode on the slightest spark being applied.”

4. From a magistrate and land agent :—

“I have lately taken a tour through the counties Roscommon, Leitrim, Longford, Westmeath, Kildare, Dublin, Meath, Cavan, King’s and Queen’s Counties, and Tipperary ;



Repeal is the universal theme. The great danger to be apprehended from the Repeal agitation is its military character, and the manner in which large masses of the people are marshalled and brought together, under the leadership of priests in the different parishes, with Repeal wardens as subordinate officers, each having its chapel, or, more properly, its military band, with wands, banners, &c. Paraded and marshalled in this way, they march in pretty good military order to a central place of rendezvous for the purpose of holding meetings for the Repeal of the Union; and, in many instances, under pretence of promoting the temperance movement. Thus, in a few hours, a large army can be collected by a notice from the Repeal Association in Dublin—a much larger army, in fact, than could be collected under the military authorities of the country. Some steps should be taken to prevent such masses of men from collecting together.”

#### 5. From a magistrate of Westmeath :—

“My conviction is that the outbreak will be local and partial, but that there will be one I can have no doubt. Collectors have been appointed to raise subscriptions. They go from house to house; they ask for 1s. from every adult. If refused, they say, ‘Then you are no Repealer,’ and I hear that on the following Sunday the defaulter is proclaimed by the priest from the altar.”

#### 6. From Waterford :—

“The display of these organised bodies, coupled with the inflammatory speeches of the agitators, and the power of the priests, have inflamed the minds of the lower orders of the people to such a degree that they are satisfied some great crisis is at hand. Many persons of rather a higher class, small farmers, are thus induced to join the movement, in order to prevent their being marked men; and although the great majority of respectable Roman Catholics have kept aloof, yet, unless protection be afforded by the suppression of these illegal meetings, I fear greatly that not only Roman Catholics but also Conservatives, will, for their protection, be obliged to join.”

#### 7. From a magistrate of Galway :—

“A general feeling of insecurity has arisen amongst the Loyalists who reside in remote districts, where they are surrounded by vast bodies of Repealers; and I have heard instances of persons in such situations, small tradesmen, carpenters, &c., who have received sums of money from their employers, and who have requested them to take it back and keep it for them till better times, knowing that they would be the first to suffer from pillage in case of an outbreak.”

#### 8. From a magistrate of the county of Sligo :—

“The Protestants of this county have, in a

great measure, lost their confidence, and among the lower orders a wish to emigrate is, I think, increasing.”

#### 9. From Westmeath :—

“The names of those who refuse to subscribe to the Repeal rent are given in to the priest, who proclaims and denounces them from the altar. One Roman Catholic gentleman, a magistrate, has been held up in this way, and everything done to insult him and make his life miserable.”

Such was a picture of the present condition of Ireland. The hon. Member for Drogheda had told the House that he had never known agitation so general and deep as that which now prevailed, and which had so completely taken hold of the hearts of the people. How was it possible to expect, while this dangerous state of things lasted, that persons would be inclined to vest their capital in undertakings in Ireland? How was it possible to expect commercial enterprise, when men were flying from their homes, actuated by apprehensions, and not unreasonable apprehensions, of the results of political agitation. Gentlemen were leaving their homes—the peasantry were resolving upon emigration. How could they expect in a country so disturbed, and where person and property were so insecure, that capital, which both sides admitted was needed, but which was sensitive of disorder and shrunk from the slightest appearance of hazard, would be attracted from this country to improve the lands and to foster and extend manufactures? Any kind of system, any plan or policy would be better than a system which left the country in so convulsed and alarming a state as to inspire terror in the higher and lower classes, and to drive them away into other lands. He was bound to say, he did not think it was the duty of Government, who had, doubly taken the subject into their serious consideration, to refrain from stating the determination they had come to—whether agitation was to be repressed, and repressed by coercion or by conciliation. But whatever course was incumbent on them, at least Members of the House of Commons, as honest men, seeking the security and stability of the empire, were entitled to call on the Government to indicate the course by which they meant to put down that formidable state of things. The hon. Member for Lambeth had said, that they must either adopt a course of conciliation or coercion. [*Hear*] He understood the hon. Member to say, that they should

take a course either of coercion or conciliation, and his hon. Friend had pointed out, a very strong indication, in a leading journal, of what might be called the spirit of the *Times*—that course being one of coercion; but he (Mr. Colquhoun) was not prepared to say that either course was necessary. If he rightly apprehended the remark of the hon. and learned Attorney-general for Ireland, these meetings were in his opinion not illegal; but with every respect for the Attorney-general's dictum, he would call the attention of the House to a memorable debate, in which strong opinions on both sides were expressed by legal Gentlemen, and among them by a lawyer who had filled the highest official situation under the Crown in Ireland, he meant Lord Plunkett, whose authority was of the weightiest character. Lord Plunkett was, on that occasion, corroborated by every constitutional lawyer in the House; and what had he said? Speaking of the right of petitioning, which he laid down in the broadest and boldest terms, as the inherent right of every freeman, he said:—

“He had no hesitation in asserting that any assemblies of the people, held under such circumstances as to excite in the minds of the King's peaceable and loyal subjects reasonable grounds of alarm, in this respect were illegal assemblies, and liable to be dispersed as such. \* \* \* A vulgar notion may have prevailed that if the avowed and immediate purpose of such meetings were not illegal, or if they had not arms in their hands, or if no force was actually used, or immediately threatened, the assembly was legal; no opinion could be more unfounded, and he did not fear contradiction from any constitutional lawyer, when he asserted that any assembly of the people, whether armed or unarmed, whether using or threatening to use force, or not doing so, and whether the avowed object was legal or illegal if held in such numbers, or with such language, or emblems, or deportment, as to create well-grounded terror in the King's liege subjects for their lives, their persons, or their property, was an illegal assembly and might be dispersed as such.”

And then he summed up as if with that spirit of prophecy which able and eloquent men frequently speak with, and by which in describing actual scenes they prefigure future events:—

“If bodies of the people were entitled to assemble, not in thousands, but in tens of thousands, to march with banners displayed, in military array, into the hearts of populous cities, and if the laws were not competent to assure the people of this country against the

panic and dismay excited by such proceedings there was an end to the constitution.”

Now, he appealed to those who had read the accounts in the newspapers, whether the agitators in Ireland had not their 10,000, and even their 500,000 assembled together, creating terror among all classes of the Queen's subjects? He appealed to the House, seeing those things, whether it were not high time, that the common and ordinary powers of the law, if there were any such, as had been said by Lord Plunkett, should not be put in force to terminate such dangerous proceedings. He, for one, following the advice and adopting the frank declaration of the noble Lord, the Member for London, on a former occasion, and the statement of the hon. and learned Attorney-general for Ireland on the previous night—he for one was prepared to say, that the House would desert its most paramount duty if it did not in the face of any obloquy, assure the Government (at least those who placed confidence in it, and his confidence was deep and sincere) that they were prepared to supply any powers that might be necessary to terminate such proceedings, which, were so fatal to the tranquillity of the country, and so subversive of all order. [*Hear.*] Hon. Members objected to this view. He hoped they would allow him to state his opinions as frankly and freely as he was at all times prepared to concede that privilege to others. What he stated might not, perhaps, be palatable to them or to the Government, but believing that to be the necessary consequence of such a state of things, he should as soon expect Government to allow Chartist organized assemblages to march over England, putting a stop to industry, destroying manufactures, and ruining trade, as to see those things that were now proceeding in Ireland, permitted with impunity. He trusted British liberty was to be maintained, and that organised assemblages, fatal, as the right hon. the Secretary of State for the Home Department had said, to the peace of the country, would not be allowed to continue, endangering the peace of the country, and subverting the security of life and property in Ireland. Mr. O'Connell had recently pointed out the sympathy that had been expressed towards Ireland by America and other countries. He confessed that his apprehensions did not turn that way—they pointed to home—they pointed to the state of England and the condition of the manufacturing classes. Every man who knew



anything of the state of those parts of the country knew that they were walking on a volcano :

“ — Incedis per ignes suppositos cineri doloso.”

That did not arise from any fault of the Government, but from the peculiar condition of the country—from its growing population—from the decline of its manufactures and the demoralised state of its manufacturing and labouring population, which had been so well depicted by the noble Lord the Member for Dorsetshire. If that were so, was it wise or well to hold out to those parties that these organised assemblies, of enormous amount and formidable display, which an able and unscrupulous man might use, might meet to throw out the most desperate menaces against all their institutions,—was it wise to tell them that the Government was paralysed, and that no proceedings were to be taken to restore peace? He, for one, could not advise such a course. The hon. Member for Sheffield, in his usual straightforward manner, had recommended their dealing with the ecclesiastical wealth of Ireland; but he would say that if there was a remedy, it was to be found far more in improving the social condition of the people—it was to be found in whatever would promote industry and diffuse capital through the country—whatever would induce the landlords to reside at home and invest money in the cultivation of their lands—and, above all, whatever would induce the manufacturer, who was at present confined to the north of Ireland, to transfer his wealth and industry to the south. What would do that? The hon. Member for Lambeth had told them the remark made by the peasantry to a Roman Catholic priest of the Queen's County. They said, “ You have given us emancipation, but what good has that done us?” And did hon. Members think that an alteration of the ecclesiastical revenues of the Irish Church would produce greater results than Emancipation? The Act of Emancipation had been passed, but, so far as the peasantry were concerned, as appeared by their own testimony, to them it was utterly valueless. What they wanted was clothing and food, and they could not have these without employment. There could be no employment without capital; there could be no capital without security; therefore, his first demand was for security, that peace should be preserved, and capital protected. He had lately seen

in the journals of the day, that a noble Marquess opposed to the present Government, had proposed to invest capital in improving his estate in Queen's County, and to introduce a new system of draining; but the noble Lord's agent had been obliged to forego his plans, in consequence of the menaces of the peasantry; and the Scotchman who had been employed had stated that no consideration on earth should induce him to remain in that country. Now would it be said that the substitution of one set of clergymen for another would be a remedy for this state of things? In his opinion, and in that he was supported by a distinguished Roman Catholic barrister, the remedy was to be found in the firm and temperate but inflexible administration of the law. By taking care that the law should punish crime, and that the law of the land should have more power than the law of agrarian combination, which was at present more dreaded than the law, striking down the landlord in his demesne, and the capitalist in his investment—whether that was effected by an alteration of the Jury-law or by any other means, that formidable agrarian combination, as had been said by Mr. Howley, the assistant-barrister of Tipperary, must be put down. One hon. Gentleman had advised the putting the two Churches upon an equality, while the noble Lord the Member for Sunderland had proposed to divide the property of the Church between both. Another hon. Member, said, give the property in the proportion of seven-eighths to one Church, and one-eighth to the other. The object of all these plans was to establish what the hon. and learned Member for Bath called a golden link between the Roman Catholic clergy and the State, which would make them the ministers of order instead of being, as of late, the leaders of every popular movement. It had been stated in the course of the debate, that the revenues of the Established Church in Ireland were about 400,000*l.* or 500,000*l.* What then was the revenue actually drawn by the Roman Catholic clergy in Ireland? They had had some indication of that from the statement made by an hon. Member opposite that there were at least 3,000 Roman Catholic priests in Ireland, and they had the unexceptionable evidence of Dr. Doyle, a man of the greatest experience and talent, who told them in his evidence before a committee of the House of Lords, that each clergyman

of his Church drew about 300*l.* per annum. [An hon. Member : " He meant the parish priests, not the curates. ] It might be so ; we have then to take the proportion which the parish priests bore to the curates. [An hon. Member : " About 1,000." ] In a publication of the diocesan statutes of the province of Leinster by Archbishop Murray, it was stated that the dues exacted by the priests from the people were ten in number, the lowest in amount being 2*s.* 6*d.* annually. Now two of these dues from 1,200,000 families would amount to 180,000*l.*, and if anything like a fair calculation of the remainder was made (for he had taken the lowest amount), some of them being as high as 40*s.*, he did not think they could estimate the revenues of the Roman Catholic clergy at less than from 600,000*l.* to 800,000*l.* per annum. What, then, did they propose in the plans which had been brought forward? They proposed to give the Catholic priests, possessing incomes of 300*l.* per annum, one-half of the sum which was possessed as income by the clergy of the Established Church, or 75*l.* a-piece, and they expected that for that sum of 75*l.* per annum, they would give up the dues, which produced an income four times the amount. Did the Roman Catholic clergy in France surrender their dues? Not at all. They returned them. But if the dues were not abandoned, then look at the position in which they placed themselves—they offered a salary to detach the priests from the people and attach them to the state, and that salary was so paltry in amount that they remained as dependant on the people as before. The priest would naturally say, " We have 300*l.* per annum from the people, and do you expect us to forego for 75*l.* per annum the course of action which we believe the people approve of? " The hon. Member for Kildare had plainly told them that the Catholic clergy were dragged after the people and obliged to go with them ; and if they proposed as a measure of State policy to pay the Catholic clergy in order to detach them from the people and attach them to the state, was there ever anything so preposterous as to offer them a sum less than one-fourth of that which they obtained from these dues. He did not know whether the object of the noble Lord (Lord J. Manners), who had addressed the House on the subject a few nights previously, and had proposed to obtain a concordat, was to place the Roman Catholic clergy under the control of the State by a compact with

the Papal See. In the discussions on the Scotch Church in that House the question had been fairly raised, whether the clergy were to be paid by public funds, without any control being exercised over them by the State? The House had declared, that they never would consent to endow any body of clergymen without having over the Church an effective civil control ; and yet they were asked to give to the Roman Catholic clergy, what no country in Europe had up to this time ever permitted, an endowment without any security whatever for their subjection to the control of the State, a project which they had characterised in the case of the Scotch Church as utterly extravagant. But on the other hand, if they attempted a bargain with the Catholic clergy to exercise a control over their Church, then came the remarkable warning of the hon. Member for Kildare, that they would not permit such terms, and that on such a ground, there could be no hope of an agreement. Part of these propositions was, to allow the present holders of Church livings, where the congregations were small, to drop off without supplying their places, and thereby to deprive Ireland of a body of men as distinguished for their benevolence and attention to the physical wants of the people as for the purity and excellence of their lives. Such a proposition had been condemned by every statesman, not excepting the noble Lord the Member for London, and a noble Marquess in the other House (Marquess of Lansdowne) ; and he fully agreed with these and other statesmen who had spoken upon this subject, that to withdraw a body of men who had been the means of effecting so much good for Ireland would be fraught with the greatest evil and disaster to that country. He begged pardon for having detained the House so long, but he had one word more to add. The right hon. Gentleman the Secretary of State for the Home Department had called on the House to support the Government on this occasion. Most unquestionably he should give his cordial and decided opposition to the motion, from a strong confidence that the Government were about to indicate the course they intended to pursue, a course which he hoped would terminate a state of things which no one could look upon without dismay. In that reliance upon the Government, believing that they would not listen to the advice of hon. Members opposite — advice which had been freely offered, but which he believed would lead



to the most sinister results if adopted, and ultimately to the severance of the two countries, he should oppose the motion of the hon. Member for Limerick. He hoped that while the Government studied to promote the advantage of the people of Ireland, by such a system as would secure the introduction of capital into that country, by improvements in the tenure of land, and by other measures of a beneficial tendency, the present organised resistance to the law would be put down: repressed by the existing law, if adequate, if inadequate, by further powers which, he had no doubt, the House would grant, when convinced of their necessity; and that thus while practical remedies were applied to practical evils, to those who menaced the constitution and assailed the public peace, that House would offer a firm and inflexible resistance.

Mr. *Sharman Crawford* complained that none of the recommendations of the various committees and commissions which had been appointed, and of which the reports were on the Table of the House, had been alluded to. Not one remedy for the many evils which those reports pointed out had been applied. Certainly, a general measure for drainage had been introduced, but that was very inadequate. Nothing had been done to give employment to the people. Nothing had been done to promote agricultural schools; everything which had been recommended was neglected. Again, the relation between landlord and tenant in Ireland, totally different from the same relation in England, was allowed to remain unaltered. It led to numerous ejectments, and he believed as many as seventy thousand had taken place in the course of a year. That was one of the great sources of the disturbances in Ireland, and it was impossible there could be any permanent tranquillity till that was remedied. The same relation led to the consolidation of farms. He did not say whether large or small farms were good, but he contended that the consolidation of farms at present led to enormous evils in Ireland. In Ireland the landlord put up no buildings on the farms; he made no improvements on the land; he left it all to the tenant; and when the tenant's lease was at an end, the landlord got all the improvements. He contended that the landlord should make the tenant a compensation for every improvement he made on the land. All these circumstances must

be corrected before Ireland could be restored to peace. There was no country in the world more susceptible of improvement. He asked why should they send the people abroad to cultivate other countries when there was yet much land to be cultivated in Ireland? He objected to emigration while there was land to be improved at home. There was a material difference between the powers of ejectment in this country and in Ireland. An ejectment, could, in Ireland, be enforced by a civil bill decree. There was then the important question of the Union introduced into this debate. He was a supporter of the Union; but the system of legislation must be our establishing perfect equality of rights. On that ground he supported the Union. His allegiance to it, however, was conditional; and the condition was, that it should be upheld by equal rights. The connection could, he believed, be maintained by the Imperial Government. If however, the Parliament did not give satisfaction, the connexion could be better maintained without than with a Parliament that did not give satisfaction. If legislation were not based upon equal rights, then separate legislation would be better than the Union. If the Irish were unjustly treated, they would not basely submit to it. He hoped this Parliament would let the people of Ireland feel that there was the disposition to redress their grievances, and if the Irish were once convinced of that, notwithstanding the agitation that now prevailed, they would prove themselves that which they were most disposed to be, the devoted friends of England, and the loyal subjects of the British Crown.

Mr. *Bateson*: As an Irishman who had resided in that country, and had taken some pains to make himself acquainted with its wants, wished to make a few observations on the present subject of debate. It was almost unnecessary to say, he should vote against the motion of the hon. Member for Limerick, because he conceived that no reasonable person could imagine that any benefit, or even any practical result could be obtained if that motion were to be carried. And first, he thanked the right hon. the Secretary for the Home Department for his manly, honest, and straightforward statement the other night, that the Government were determined to maintain the Irish church in all its integrity. It would be most amusing, if the subject

were not of too grave and deep importance to admit of anything like levity, to listen to the speeches of Gentlemen who have never been in Ireland, or if they have set foot in it, have only had the time, and only taken the trouble, to examine it through the windows of one of Mr. Purcell or Mr. Croal's coaches, who have acquired their ideas of the feelings of the people and their list of grievances, probably from some card-driver, too glad to amuse himself by gulling the simple Saxon. It would be most amusing, if the impressions made by them were not often dangerous, to hear such Gentlemen speak as if they were not only competent to prescribe for Ireland but licensed also to denounce particular classes, and particular establishments in that country, which their ignorance or their prejudices induce them to regard with an evil eye. And with respect to some speeches on his side of the House, he thought, those who delivered them must have had a most immoderate appetite for blarney, considering the quantity they must have swallowed before making those statements. But he must particularly express his astonishment at the extraordinary speech of the gallant Member for Westminster, (Captain Rous), who, returned to Parliament as a Conservative, had, however, now declaimed against the established church, as the great grievance of Ireland, and had unwarrantably denounced Protestants and Presbyterians as bigoted and intolerant, and as "bullying" their fellow-countrymen. If he, a young Member, might give advice to an older man, he would recommend the gallant Officer not to allow his indignation to be at the command of every one who had a pithy tale to tell—but to enquire first whether there were any foundation for the story. And as it seemed that the gallant Member had changed his political opinions since the general election; he would advise him to follow the example of his predecessor Sir Francis Burdett, some years ago, who in a similar case, most honourably and manfully resigned his trust to his constituents, and called upon them again for their suffrages. The hon. Member for Sheffield (Mr. Ward) had made a most unjust attack upon Irish landlords, including, therefore, resident landlords, and had stated, that, according to Lord Clare, sixty years ago, "the peasantry were ground as in a mortar;" and that this state of things still continued. He was happy to give a most unqualified contradiction to that statement. In the

north of Ireland the Roman Catholic as well as the Protestant tenantry placed full confidence in their landlords, and were always disposed to co-operate with them in improving the country, and in promoting tranquillity. He could state, for example, that at a repeal meeting which was attempted to be got up at Toome, on the borders of Derry, on the 25th June, scarcely a Roman Catholic tenant of the three neighbouring estates in the county Derry attended, knowing that the meeting took place contrary to the wish of their landlords, and that it was injurious to the public peace; and he was sure, that, notwithstanding the present excitement, this good understanding between landlords and the Protestant and Roman Catholic tenantry would continue. The hon. Member for Rochdale said, that while the present system of government continued, there could be no peace and tranquillity in Ireland. He would answer that by stating, that, in a letter just received by him, he was informed there was but one prisoner in Derry gaol for trial at the approaching assizes! As regarded fixity of tenure as a panacea for Ireland, he believed that in no other country had the tenant such a fixed interest in the land as in the North of Ireland. He could not sanction legislative interference with private contracts of property, as it would establish a dangerous precedent. It was not by legislative enactment, but by public opinion, that this evil was to be remedied, if landlords had not the common sense to understand their own interests, and if they were not actuated by common justice—but he was convinced they were. He distinctly stated, it was not the church, it was not landlordism, or, as a French writer, M. De Beaumont, called it, the landed aristocracy, which was the curse of Ireland. No; it was not landlordism, but a want of landlordism. The two great evils were absenteeism and agitation; and, unfortunately, these acted and re-acted one upon the other—mutually increasing one another and augmenting the evil—for in each of them might be observed both the cause and the effect of the present misfortunes of Ireland. Let agitation cease, and let there be security for life and property, and proprietors would reside, and capital must enter the country. Again, make proprietors reside, and agitation must diminish. [An hon. Member: "How."] By taxing them. If they resided, and set a good example in the country they must acquire an influence over the people; for in no country



perhaps, did the people look up to their superiors more than in Ireland, in some places with almost feudal feelings; and, as the influence of the landlords increased, so would that of the selfish agitators proportionably diminish. The Irish people were most easy to be led—a little kindness, a little sympathy for their misfortunes, was the best passport to their affections, [*cries of "Hear, hear," from the Opposition.*]—yes, he knew hon. Members opposite were aware of it, and, therefore, they had invented for the Irish wrongs, they had imagined grievances, and having promised to redress them, took advantage of their generous, and excited feelings to further their own party purposes. He repeated they were a most manageable people, for it was from their being so easily managed, so easily led, that Ireland was now in this state of "smothered war." From this cause we required an arms bill, lest the populace should be drilled into a violation of the law, and should obey the dangerous commands of their leaders. Absenteeism, then, was the great evil, and residence was the remedy. In all ages, and in every nation, the populace have had their leaders. Man had an innate consciousness of his own weakness—he required protection—he longed for some one on whom he could depend for support: and would not then a poor people, destitute often of the necessities of life, look around for some one to relieve their wants? They were in distress and required assistance—in sorrow and desired consolation—in sickness, and they have need of relief. Who, then, was there to administer to their necessities? Take the south of Ireland—where was the proprietor of the soil? Probably he was an absentee, and was squandering their hard-earned gainings in selfish luxury in another land, having, perhaps, never seen those whom it is his bounden duty to protect. Their priest—yes, he was at the bed-side, doing his duty, administering to them the consolations of religion, fearless of pestilence, regardless of the dangers of infection. Was it then, wonderful, when this minister of their religion, holding, as they supposed, the keys of Heaven—when this friend issued his summons, that the generous warm-hearted peasant, bound to him not only by religion, but by the strong ties of gratitude, comes forth prepared to place in him entire confidence, and implicitly to obey his commands, whether for good or for evil. No; but it was wonderful, that, with such intense faith in his

leaders, believing everything, imagining he is wronged, grievously treated, labouring under this intense delusion, hoping everything, and fearing nothing—convinced that he, "hereditary bondsman," as he is told he is—has only to strike, to be freed from his fetters—only to strike to live from thenceforward in possession of lands and power, was it not wonderful, he repeated, with these mighty temptations, power, wealth, revenge—with these almost irresistible bribes—that he masters his passions, and abstains from striking the blow? Were they not then a manageable people? And might they not be led to good as well as to evil? What, then, was required? Simply and solely, good example and good advice; but good advice administered only by those in whom they could place confidence—by those who proved by acts that the interests of both were identical. Capital, then, was but a secondary consideration. Residence was the first, the great thing needful, and having obtained that, capital must flow in. Every one had admitted that the state of Ireland was truly alarming—that the evil was extreme, and that a remedy was necessary. If, then, absenteeism was the root of that evil, absenteeism must be checked even by extreme and harsh measures if necessary. An extraordinary evil required an extraordinary remedy. The property, then, of absentees must be taxed, heavily taxed if necessary, until they were forced to appear in the country; and the proceeds of that tax should be employed in employing the people in public improvements. If in this alarming crisis he might advise absentee proprietors, he would say to them, "you must reside even for the sake of retaining your present rents. Place yourselves at the head of your tenantry in your proper position. Show them you take an interest in their welfare, not the selfish interest only of increasing your rental, which may be the reason why some improve their estates; and the people, these now misguided and deluded multitudes, will place confidence in you, and this mischievous agitation, and these agrarian outrages will gradually die away. But if they would not make this necessary sacrifice, if to the wealthy and the great it be a sacrifice to make themselves acquainted with the wants, the wishes and feelings of their countrymen, to take the trouble of encouraging the peaceful and the industrious, and of repressing turbulence and agitation; if, then, they were so infatuated as not to make this necessary sacrifice of ease and

comforts—if they had not the moral, and the physical courage necessary to meet the danger, and destroy the evil at its root—then, he believed, the salvation of Ireland and the future happiness and glory of England were in jeopardy and peril.”

Mr. *Ross* would endeavour to state what were the main causes of the afflictions of Ireland, and to seek for the remedies that he thought would be applicable and efficacious in their cure. No one could well deny that discontent existed in Ireland; and no one he believed could be disposed to affirm that discontent was a vice inherent in the minds of the Irish people. If any fault could be found with them, it was they were too ductile, too submissive to station, too deferential to authority, too ready to throw themselves into the arms of any one who professed to be a friend. No people could be more easily governed, if those in whose hands their destiny was placed manifested the desire to treat them with kindness, and exhibited the determination to do them justice. This experiment, however, had not yet been tried; one Government had gone on after another in the same beaten track, and their only means of ruling the country was that of coercion. Why not adopt an opposite policy? Why not do that which would alter the position of the people of Ireland, as compared to that of the people of this country? Any one who looked attentively at the state of Ireland, must see that its evils were of a social, religious, and political character. He thought, then, that those were in error who merely took up one class of the particular evils that afflicted Ireland, and who supposed that by the correcting these evils merely, he could restore Ireland to that state of tranquillity which it had enjoyed a little while ago. His countrymen were hopeful of good where the smallest sympathy was shown towards them—they were tranquil, they were content, when they believed that something would be done to relieve their distress. With respect to the Tory party, it had long been their policy to conjure up phantoms in order to terrify the misguided men who followed in their ranks. It had been endeavoured to counteract the prejudices thus excited by devising a system of education in which the children of both sects should equally participate. But this did not suit the views of those who agitated these prejudices, and in consequence of their resistance this

most useful measure, which under other circumstances might have been the means of doing away with the elements of social disorder which had so long existed in Ireland, and, in his opinion, would in the course of ten years have removed the line of demarcation between the two antagonist sects in that country, proved a lamentable failure. With respect to the relation existing between landlord and tenant in Ireland, he believed that the influence derived from that relationship had been very much perverted before the abolition of the 40s. freeholders. Land-owners endeavoured to subdivide their farms to the utmost for the purpose of political influence; and now that that franchise was abolished, the same parties were as eager in their desire to throw their lands into large holdings. Under the former system the tenants were, in time of elections, often treated absolutely as sheep. He knew, for instance, a case where a landowner, debated whether to keep his tenants in the goal or in the parish pound until the hour of election, and he eventually decided on the latter. Now their services in a political way being no longer required, these unhappy men were turned away from their lands in the most cruel manner, their landlords allowing them what, perhaps, was sufficient to satisfy their consciences—a twelvemonths' rent, and then leaving them to shift for themselves. Was it astonishing that any agitator should go amongst a people thus treated, and be able to excite them to call for any changes which they could be made to believe likely to conduce to their advantage? The country was anything but rich. Beginning from the gentry, and going downwards, he believed that the majority of every class were in an embarrassed condition, and this circumstance naturally aggravated the oppression with which the tenantry were visited. He thought that if any means were adopted for procuring employment for labourers thrown out of their holdings, it would prove of immediate advantage to the estates of these gentlemen, and that the latter would exert themselves still further to increase the comforts of the people connected with their estates. He believed that there were undoubted proofs that a conspiracy had long existed amongst the landlords of Ireland gradually to extinguish the franchise; and he should be very glad if her Majesty's Government would consider of



something in the nature of what the hon. Member for Waterford had proposed with regard to the grand jury system. With regard to the Church establishment, he must say, that weighing the evil of it against the good which it effected, he thought that the evil preponderated. Looking at all the struggles and heart-burnings attendant upon the continuance of this institution, he must say that he thought it would be better that it should be adopted as a principle, that everybody should confine his instructions to people of his own creed. The right hon. Baronet the Secretary of State for the Home Department had spoken of a compact having taken place at the time of the Union, by which any legislation to alter the Church Establishment, or to effect a redistribution of its funds, should be interdicted. But he must say that if the views of those then in power was that they should be secured for ever in the enjoyment of certain privileges, upon consideration of sacrificing the liberties of their fellow-subjects, he thought that such views were most erroneous, and that a compact based upon such considerations should not be considered binding upon posterity. The time was now come when things should stand or fall by their merits, and that no national establishment should stand unless it could be shown that it existed for the national good, and that it was dear to the hearts of the people. Of other social considerations, he considered it highly important that the administration to whom the affairs of the people were confided should enjoy that people's confidence and esteem. The present administration was most unfortunate in this respect, not, perhaps, so much on account absolutely of the Members of the Government, as of their supporters. The people of Ireland were strongly impressed with the feeling that Toryism was a principle hostile to their interest, and he must say, that some of the acts of the present Government had shown something like a confirmation of that impression. Such, for example, was the unfair conduct of an agent of the Government, who, when a search for arms was made, retained all the arms which belonged to Catholics, and returned those which belonged to Protestants; and such also was the late mail coach contract which had been most unfairly conducted. There had been two sorts of remedies proposed for the discon-

tent which prevailed in Ireland; the first was a Repeal of the Union; the second, a reformation of existing abuses. He considered that the Repeal of the Union, whatever other arguments might be urged against it, was not a practicable scheme. But even if it were practicable, he did not know that he could assent to it. He believed that two countries, having several co-ordinate legislatures, but one supreme head, could not go on for many years. He would beg to remind the hon. Gentleman who had moved this resolution, that his grandfather, in the Irish House of Commons, got up and proposed that, in consequence of the injuries resulting to the Irish people from the operation of the Methuen treaty, an humble address be presented to the Crown, praying it to go to war with Portugal on account of Ireland, and giving, at the same time, the promise that they would provide the means of carrying on that war; and that this motion was carried amidst the loudest acclamations. If such things as this were likely to occur, what should hinder the Irish from being friends with America or Spain, at the same time that England was at war with either of those governments. He could not, therefore, conceive that, under any circumstances, the two countries could go on in peace and harmony if the Legislature of the Union were severed. With respect to the other remedy for the existing distress, he thought that some means to remedy the abuses complained of were imperatively called for, and that, if they were not timely provided, the country might be driven into all the horrors of civil war—a calamity which he would rather be in his grave than live to witness. He believed the Government might overcome all the difficulties which they now had to contend with, if they had a mind to do so. He believed also, that the English people were beginning to awaken to the great emergency which existed in this department, and to the rightful nature of the demand made by the Irish people. He believed that the most sincere sympathy existed in England and Scotland for the Irish nation; and he found confirmation of this opinion in the loud and hearty applause which was given to Mr. Cobden some days ago on Penenden-heath, when he spoke of Ireland; and in the speeches of hon. Gentlemen, not only on this side of the House, but the other also, when any hon. Gentlemen had done them-

selves honour by the generous sentiments they had avowed. He believed that the time was not far distant, when a sincere and strenuous effort would be made to remedy the grievances of Ireland; and if the House of Commons were not prompted to undertake the task by their own generous emotions, their interests might and ought to prompt them to do the Irish justice.

Mr. *M. Milnes* could not but congratulate the House and the country, and especially the people of Ireland, upon the quiet tone in which the present debate had been conducted. After hearing the manner in which the various Members on both sides had spoke of this subject, he should say, that if any man in or out of this House, should say that the interests of that country were not regarded in this House with the deepest interest; that the affairs of Ireland were not attended to in this House; that, in fact, their affairs were not the great cardinal point of all their debates; that man either misunderstood their feelings, or wilfully misrepresented them. Nor did he think the time unfit when this motion was brought forward. For when the affairs of Ireland were in that state that men of all parties asked of a morning, "What news from Ireland?" why should not they discuss "what news there was for Ireland? For his own part, he thought that the present relative position of England and Ireland was very important and imminent. He would not take upon himself to say, that the disturbances now going on in Ireland might not subside of themselves—that the passive resistance of the Government might not prove successful; but the event itself, and the probable recurrence of such a state of things were, in his opinion, sufficient to call upon her Majesty's Ministers to do something to prevent a repetition of such occurrences. The question agitated in Ireland was the repeal of the Union—in this House it was the grievances of Ireland. There was a connection between these, but not of so close a nature as some seemed to imagine. He did not think that any immediate remedy which Government could bring forward could so captivate the imaginations and please the Irish people as to disabuse them of the fatal error that a repeal of the Union would be advantageous to them; and he hoped that it would go forth to the people of Ireland, that as yet, during these de-

bates, not one man has risen to speak one word in favour of a Repeal of the Union. He did not regard the Union as a mere simple contract. There was no such thing as making contracts with nations. They could break them like so many whips of straw. The Union existed upon no such simple contract. It rested upon the broad basis of the common sense and the mutual interests of the two countries. They could not, for their own safety, permit the independent existence of Ireland. They must remember that to Ireland was to have gone the Spanish Armada—that to Ireland went James 2nd—and there too went the French revolutionary army. Remembering these things, they could not allow an independent political existence to Ireland, and they felt that it would be a most injurious and fatal measure to that country itself were its relations with England to be discontinued. But after all, so far from Ireland becoming independent, if the Repeal should be carried, she would, in fact, become more dependent than ever. All that Repeal would do, would be to place contending factions and adverse parties face to face, and hand to hand, without the power of English public opinion and common sense to interfere between them. Let them, however, in considering this subject have no more exhibitions of party feeling. Let them have no more allusion to appropriation clauses on the one side, or to registration bills upon the other. He thought that in discussing this subject it was most foolish not to see the enormous difficulties to which any Government must be exposed in grappling with it. In the excellent and statesman-like speech, delivered last night by the noble Lord the Member for Sunderland, the noble Lord seemed to him to have left out of his argument all allusion to two classes, whose interests and feelings he should have consulted, the Protestant landlords and the Protestant people of Ireland. They could not attempt practically to remedy the evils of Ireland without referring to those subjects. The Protestant feeling was the great difficulty which Government had to deal with; there was no use in blinking the matter. England had established a Protestant ascendancy in Ireland—she had gifted it with the property of the country—she had fostered it and nurtured it into superiority to the co-existing Church, and now they could not turn upon the



establishment at once and say, "We will treat you as if you were never there at all." Remembering, too, that the No Popery feeling in this country was not merely a religious feeling, but one connected with and supported by traditions existing since the Revolution of 1688—traditions which caused the memory of old persecutions still to rankle in men's minds; remembering all this, he did say, that a Government, having to deal with all these feelings and sympathies, was in one of the most difficult positions in which it was possible for a Government to be placed. He believed that these feelings were somewhat abated. But they must be allowed to subside. Let it not be said that they could be put down at once. It was not fair for the noble Lord to call upon a Government to do what—if they should do—their tenure of office would not be worth a week's purchase. Feeling deeply the grievances of Ireland, he could not listen with patience to constant and reiterated allusions to those grievances, and to old historical facts, which it would be the best and wisest course to bury in oblivion. They heard it continually repeated, that England had conquered Ireland. But did not the history of England begin with her conquest. Conquest was the mother of civilization all the world over. The ground of complaint should not be that England conquered Ireland, but that she did not improve the conquest. But they could not always go on conquering. They now stood in such a relation to Ireland, that civil war was possible—barely possible. At this moment Mr. O'Connell was the guardian of the peace of Ireland. If he chose they might have civil war to-morrow. Now, it had been said, and evidently strongly felt, that Government should not have permitted this state of things to come about. He did not share in that opinion. He approved of the prudence of the conduct of the Government in this matter. He thought that Government had done right in saying as clearly as deeds could say, if bloodshed did ensue, that that blood rested solely upon you. As to the dismissal of magistrates, he thought that more had been said upon that matter than its importance warranted. It might or it might not have been a prudent line of policy. If it was imprudent, it was so in this sense—that it might have had the effect of alienating from the Government some very particularly sus-

ceptible people. But the real statesmanlike meaning of the whole was nothing more than that it was the strongest form of civil reprobation in which Government could express its opinions as to the conduct of the dismissed magistrates in joining the repeal agitation. He would now offer a very humble suggestion to the Government, with reference to their future policy towards Ireland. He had said upon a previous occasion, that he did think that Government had sufficiently regarded the religious feelings of the people of Ireland. He agreed with the noble Lord who had spoken last night that it would have been the highest and best statesmanship to have made the priesthood of Ireland their mediatorial governors. He did not say that that object could now be gained; but at all events, the Government could do this much: they had it in their power to give proper and adequate payment to the Roman Catholic clergymen of Ireland, and he earnestly wished this to be done, defending himself however from the notion that by paying the priesthood they would diminish their power and influence, or that they would be willing to avail themselves of Government aid. It did strike him on reviewing the grievances of Ireland as the only one particular grievance which came home to Roman Catholic Irishmen.—that they believed that indirectly they were supporting the Protestant Church at the same time that they were supporting the ministers of their own religion. The notion of paying the Roman Catholic clergy was not a new one. A resolution for their payment had passed the House of Commons, and it was only from the unexpected opposition of Lord Eldon and Lord Liverpool that it was prevented from passing the House of Lords and becoming law. Upon that occasion Mr. Peel expressed himself against the measure; he said, it would be in direct hostility to the spirit of the Revolution to select any religion distinct from the Protestant Church as by law established for a permanent provision and settlement. But the same authority had stated that he would not object to the measure, provided the House would remove the disabilities under which Catholics then laboured. These disabilities had been removed, and, therefore, the objection of the right hon. Gentleman to the principle so far fell to the ground. Besides, they had already admitted the principle by endowing Maynooth. But it

was asserted that the Roman Catholic clergymen would not receive a state provision. He would tell the House an anecdote upon the point, of a dialogue between an English minister and a Roman Catholic prelate. The minister asked the prelate whether the Roman Catholic clergy would take a provision from the English Government. The reply was, "It is my belief that no one archbishop, bishop, or priest would consent to take such a provision from the English Government." "Then," said the minister, "but if a grant was actually made, if the money lay at the banker's, if it was a mere question of signing a check payable at sight?" "Then," pursued the prelate, "in that case not an archbishop, bishop, or priest in Ireland would dare to refuse it." Yes, in that case, they could not, and would not press further upon their flocks for maintenance. He thought that the present state of confusion in Ireland would help Government to carry into effect some such proposition as this. If they were to say to the country we must either have some additional money to pay the Roman Catholic clergy, or we must lay on one or two per cent. more upon the income-tax to defray the expences of a civil war, he was pretty sure what the answer of the people would be. A measure of this sort should also be accompanied by a renewal of our relations with the court of Rome. He believed that he was authorised in stating that the noble Lord the Member for Tiverton had while in office occasion to take advice on the subject from the legal functionaries of the Crown. An opinion was expressed perfectly satisfactory as to the legality of entering into diplomatic negotiations with Rome, and the record of that opinion still lay in the Foreign-office. Nothing, therefore, would have to be done, further than to acknowledge our present unrecognized intercourse with Rome. He had said on a former occasion that the present position of the Protestant Church in Ireland was not a practical grievance. He wished to modify this statement in a small degree. There did, he thought, exist a grievance, distinct and palpable on the part of the Catholic landholders, namely, that a part of his rent seemed to be taken from him to pay for the maintenance of the Protestant Church. He thought that some arrangement might be come to by which a portion of the tithe falling upon Catholic landlords might be expended for some other

religious or secular purpose. He would conclude by entreating Government to continue, even more perseveringly if possible than before, in the moderate and temperate course they were pursuing. The Ministry had a most difficult and embarrassing question to grapple with—a question very nearly as embarrassing to English statesmen as was that of negro slavery to American statesmen, both of them by their difficulties and intricacy, showing how the sins of the fathers were visited upon the third and fourth generations; and showing how Providence wrote upon the history of the world the lessons of its own immutable justice. The right hon. Baronet had once told them that his chief difficulty was Ireland, and right was he in saying so. He (Mr. Milnes) saw no way of getting out of this difficulty, but he did see two very different kinds of difficulty into which Government might plunge itself—two different orders of difficulty—the difficulties of action and of inaction. No doubt in pursuing the course of action Government would have to meet with all the difficulties of attempting to curb violent passions, and to moderate strong religious feelings—all the difficulties of good intentions continually misrepresented, and honest hopes long delayed; but they would be cheered on in that course by the approbation of all that was good and honest, and moderate in the country, and by the approbation of the civilized nations of the world. Adopting the other course of difficulties, the Government might pass over this year and the next year; they might pass over many years; but, nevertheless, they would always be in danger of having to choose between submission, on the one hand, to a violent party, and having, on the other, to appeal to the violence of another party. It was possible that Government might be placed in a position, in which they would have to depend solely for aid and assistance upon what he considered the undue religious feelings of the Protestants of Ireland. This might come about, but it should be, if possible avoided. The two courses he had alluded to lay before Government: let them choose between them. He said to them throw yourselves boldly and courageously upon one of them, or you may chance to fall helplessly and powerless into the other.

Mr. Roebuck: My hon. Friend who has just concluded his observations to the



House, commenced them by congratulating the country upon the debate now proceeding upon the resolution of the hon. Member for Limerick. As far as I am able to judge, I do think that, whether or no this debate ought to be a subject of gratulation to the country, there is at least little of congratulatory matter in it, or of satisfaction to those Gentlemen who now rule the councils of this great empire. It has been acknowledged by all parties that at the present moment a difficulty has arisen, that an imminent danger threatens us. We have been discussing for many nights this extraordinary crisis, and what is the spectacle which has been exhibited by our present rulers. Sir, in the observations which it may be my duty to make—the feeling predominant in my mind is not simply one of disappointment, but of grief—grief to find that those who are now in power—that those who alone at the present time can guide the destinies of this country—are so totally unequal to the position which they hold. Sir, so remarkable a debate as the present has never occurred in my Parliamentary life. This is an occasion which should have called forth the energies, the intellect of those in whose hands are placed the destinies of this country. And what spectacle have we before us! A debate without a guide, not a single principle intimated for the country to judge how the future is to be with respect to one great and important part of the empire. The right hon. Gentleman the Home Secretary has left us, in no doubt as to the importance of the question; on the contrary, he concluded his observations in a tone which marked that he at least was fully possessed with the notion that we have arrived at a point from which it is impossible to go back without danger, and past which it is almost impossible to advance without nearly equal danger. The right hon. Gentleman said, that we were not merely discussing the existence of the Union, but the very life of the empire. And what was the consequence? Has any one who holds office got up and told us what is to be done? Can any person gather, from what has occurred in all these long discussions, what will be the course which Government will see fit to take? Is there a man out of doors, or within these walls, that at this present moment knows what will be the future course of the Government with respect to Ireland? And was

there ever so marked a contrast as that which has been presented to this House, and to the country, between the simple but dignified, and calm and temperate mode in which hon. Gentlemen from Ireland have laid their grievances before the House, and the petulant appeals to party prejudice made by Gentleman opposite, in their attempts to bring a damaging fire to bear upon their leader, from whom they are in a state of revolt? On the one side there has been calmness, dignity, straightforwardness—the Gentlemen from Ireland have stated what they believed to be the grievances of their country in a way which does them honour—how have they been met? The person who was first put forth to meet the statements of the hon. Member for Limerick and the hon. Member for Waterford, was a Member of Government who certainly should know—if any one does know—what Government intends to do with Ireland. With every respect for that noble Lord—for I believe that no one ever held the destinies of Ireland in his hand who wished her better, or who cherished more kind, more generous feelings towards her—I must still be permitted to say, that kind intentions and generous feeling must be supported by intellect, by industry, by energy. Good intentions of themselves are not enough to form a statesman—and I appeal to any one who listened to that noble Lord, whether he manifested any qualities other than those of good and kind intention. The speech which the noble Lord made—on an occasion when Ministers have themselves acknowledged that the very existence of the country is at stake—in what way did it enlighten this House as to what they had to expect at the hands of the Government? Did he not forego the discussion of every question which has as yet been started for our consideration, and he did not, in fact, enter on the topics of the debate more in the spirit of a third-rate clerk of his office than of the head of such a department? Who followed the noble Lord? The right hon. Secretary for the Home Department. Any one who knows the right hon. Gentleman, and who has had the gratification of hearing him in this House, must know his peculiar qualities—vigour, clearness, great power of speech, great effect in argument, and great bitterness in sarcasm. But on this occasion the right hon. Gentleman sunk beneath his subject.

His energies seemed to have left him, as if they were utterly beyond his control; he grew frightened by the subject he was handling, and at last lost all power over this House and then over himself. He finished, and this was the second great blunder the right hon. Gentleman has committed this Session with regard to the affairs of Ireland—in a temper, (for as to the ideas of the Government, they have not yet been discovered,) which if it correspond with that of the remainder of his colleagues, gives Ireland little to expect from his administration. The re-kindling of a bitter animosity: the recurrence to old feelings: a total forgetfulness of our present position: a constant looking back to the feelings engendered in the mind by the contemplation of past misery: a narrow contracted retrospect of by-gone times, without a single enlightened or generous view as to the course to be taken for the future—this is a fair, though it may be a severe description of the right hon. Gentleman's disquisition. That right hon. Gentleman was succeeded, amongst the Members of the Government, by the Attorney-general for Ireland, and what light did that right hon. Gentleman throw upon our deliberations? Sir, we need not wonder that Ireland is not well governed, if that is the sort of intellect that directs its councils. On an occasion when Mr. O'Connell sways Ireland as it were his footstool—when the millions of that country are up in arms, or at least so banded together as to enable them to take up arms in an instant—when the destruction of the Union is threatened—when blood any be spilled any moment, and, as a consequence, a civil war ensue, the first law officer of the Crown in Ireland harangued this House until he pretty nearly harangued everybody out of it, on some idle tales respecting his own election, and respecting his grandfather. Was ever anything so lamentable? And during all this time there occurs this remarkable incident, that the right hon. Baronet at the head of the Government, the most sagacious manager of Parliamentary debates, seems to be whirled along unthinking, uncontrolling—the mere slave of accident and chance—and never steps forward as he ought to show the governing mind of his party. Why his own ranks exhibit symptoms of disaffection. He sits like a general in his camp, to whom every successive messenger brings

the news, "Some have left your army, and some are going one by one over to the enemy." Amongst these deserters is the hon. Member for Canterbury. The hon. Gentleman who indulged in such liberal expressions (I hope we shall also have from him some liberal votes), told the right hon. Baronet that he had now a graceful opportunity of redressing the grievances of Ireland. The hon. and gallant Member for Westminster spoke last night, and what did he say? That the Arms Bill was useless, worse than useless; that we were acting like bullies, and that having acknowledged our debt, and paid part of it, we refused to clear it off, because we were the stronger party. But, alas! he finished by declaring that he voted for the Arms Bill, though he doubted its expediency, and he left us in anything but a state of certainty as to his vote on the present motion. The hon. Member for Canterbury, too, condemned the Government—their whole scheme of polity. I hope he will not refuse the only thing of much importance which could emanate from him on this occasion—viz., his vote. The speech of the hon. Gentleman was marked by much feeling; but those bitter sentences—those glittering antitheses—those apt illustrations, were prompted by some strong emotion. I would fain believe that all that fine feeling was not thrown away; that none but a noble emotion suggested so great a sacrifice of friendship on the shrine of patriotism; but I can only be convinced by his vote. Otherwise the hon. Gentleman may boast of the qualifications necessary to make a good opposition speech, with the comfortable assurance of having done no real harm to his party. There was also the speech of the right hon. Recorder for Dublin. He is the mouthpiece of the Protestants of Ireland, and he told the right hon. Baronet at the head of the Government, if he pins his faith to that party, what course he must pursue. The alternative is before him. "Govern Ireland he was told for and by the Orange party, and you may assuredly reckon on our votes. But if you would govern for English and for Irish welfare, you must govern without our assistance. The right hon. and learned Gentleman's speech was marked by that sort of mockery, that pride which apes humility, that sort of pharasaical consideration of his own deserts, and those of his party, which prompts



the exclamation, "We are not as other men are. I fast two days in the week, and pay tithes of everything I possess, therefore am I possessed of all the virtue, all the loyalty, all the worth, as I have all the wealth of Ireland!" Now, this is the alternative—are we to govern Ireland as a conquered country, by means of the garrison we have placed there in the Protestants of Ireland; or are we to govern it in the more enlightened and generous spirit of the times, in the spirit which teaches us to consider not merely the happiness of a small section, but how the welfare of the millions may be secured by an upright and virtuous administration of affairs? I speak of justice on its broadest principles; not enshrining itself in a Protestant government, or dressed out in orange ribbons. We must be guided by the condition of the whole people; at the happiness of the whole we must aim, utterly regardless of the prejudices and opposition of that orange tribe. We are told, however, that this party has the land of Ireland, the whole wealth of the country. If it were true, what has it to do with the question? They are in the proportion of 800,000 to 8,000,000; and if they possessed every farthing of the money, and every acre of the land of the country, I would not for one moment place the happiness of the one in the scale against that of the other. It is clear that 800,000 could not possess the whole of the land if the country was well governed. And when we recollect the distinction made by religion—when we not only have the poor and the rich, but the Catholic and the Protestant; and when, by our system, we thus foment other grievances by the bitterness of theological hatred, common justice demands that we should not stand aloof from the discussion of the wrongs we have inflicted, but that we should take the part of the weak against the strong—of the many against the few. Such is the system which you are upholding in Ireland. Is there anything ennobling or generous, great, manly, or statesmanlike in such conduct? But we are told that we should be ready to suggest improvements as well as criticise the acts of the Government. I am ready to accept the challenge. I perfectly agree with the hon. Gentleman who spoke last, that all government is a question of difficulties—a choosing out of the least evils, and that we do not do our duty by pointing out the mischief of a certain course, if

we cannot also suggest the remedy. Therefore, I quarrel with the speeches delivered on our side—I do not mean those of the noble Member for Sunderland, or the Roman Catholic Gentlemen who have spoken—but I do quarrel with the representatives of the past Government, for they have addressed themselves to the question in pretty nearly the same narrow spirit as I have condemned in those opposite. They caught at quibbles, rather than grappled with the great subject before us. I trust the display of the right hon. Member for Edinburgh will not be imitated. The right hon. Gentleman knew that the right hon. Baronet had difficulties of a peculiar character to contend with. I quarrel with the right hon. Baronet because I could not expect in one of his enlightened mind that he should not see that, having for the first time the destinies of England on his hand since the Reform Bill and Catholic Emancipation, he did not determine on a different policy from that of his party with regard to Ireland, as he discarded their views respecting England. I quarrel with him not because he has done actual mischief, but because he has not shown himself equal to the new exigencies of the case, and ready to grapple with the difficulties which surround him. No one can for a moment look at Ireland, and not see that the population is undergoing great physical suffering. A state of mind necessarily arises, which exposes them to be worked upon by agitators, but no people in a state of more physical suffering ever exhibited an organised spirit of insubordination, unless they also were excited by some feeling of injury or wrong. But if there be mixed with physical suffering, every day presented to their mind, wrong and insult, then you have all the elements of a powerful opposition. The great mischief of Ireland is agitation. You may as well complain of the heat of a fever. The fever itself must be grappled with, and to stop the agitation, you must allay the causes of discontent. I do not think Mr. O'Connell is at the bottom of all the misery of Ireland. I think the course he has pursued has often done great mischief; but by his great and wonderful abilities, his untiring energy, he has wrought for them changes no other man could effect; and though we may complain of the means which he employs, and, in many things, I think him wholly indefensible, still it

must be clear to the people of Ireland that he is their friend; and it is also certain that he has for the first time made you think seriously of the wants of the Irish people. Like all enthusiastic men at the head of an enthusiastic people, he has been already a dupe and an impostor. I never can suppose that Mr. O'Connell believes that the Repeal of the Union will produce the halcyon days he promises. I cannot believe that he thought that a true description of the effects of Repeal which he gave lately in Dublin; but it answered his purpose, and I suppose he thinks the end justified the means. He has produced certainly one effect, that in spite of the indifference so long exhibited towards Ireland you are at last driven to consider her grievances. It was the only way of separating the English Government from the Orange faction to make you fear the resentment of the large masses of the people. Beside the physical evils of Ireland, you have that badge of conquest, the Church. Palliate it as much as you will that is the undeniable fact. The hon. Member for Pontefract said that the right hon. Baronet could not hold office for a week if he should propose to destroy the domination of the Protestant Church in Ireland. But if the right hon. Baronet does not propose it—if some Government shall not propose it, the people will destroy it themselves. Aye, it is extremely uncomfortable to think of, but it is certain to happen. Just see how easily it could be done. Mr. O'Connell governs Ireland; let him suggest that no tithe shall be paid, and let him go a step further, and say that no rent shall be paid, and it would be found extremely difficult to get either tithes or rent. Do not fancy that we are whispering secrets to one another here. Do not fancy that we are carrying on a debate upon the state of Ireland, *sotto voce*, and that what we say is not known outside these walls. Do not, for an instant, believe that so sagacious a man as Mr. O'Connell has not well weighed each step of the process by which he will compel you to right the wrongs of his country. If the Protestant feeling of England be of that strong description—if it be of that bigotted nature which the hon. and gallant Member for Westminster described, that it will not endure a proposition for legally and quietly relieving the people of Ireland from what they they conceive

to be a badge of slavery, then I say that the Protestant feeling of England must receive a lesson at the hands of the Catholics of Ireland. Protestant zeal overflows in some bosoms; I wish Christian charity also found an abiding place there. Why, because you are Protestants do you assume to have all the virtues? Why do you assume that between seven or eight millions of people, holding a faith respectable from the time it has existed, and which in many of its sacred doctrines is similar to your own creed, are utterly wrong, without at the same time assuming infallibility to yourselves? You cannot deal with a religion so nearly allied to your own, and so truly (in all circumstances) worthy of respect, as if you alone were worthy of consideration, and other men's feelings were not to be in any way consulted. Well, then, you see ranged before you seven millions of people writhing under a feeling of degradation, and alleging that you are insulting them and doing them wrong; and are they to be told, forsooth, that the Protestant feeling of England must alone be consulted, and that no Ministry would dare to face it. If, indeed, there can be no minister to raise himself up to the height of this great argument, woe to the country. If the right hon. Baronet shrinks from the task, he will find that he will have to meet things that will wring his heart—he will have to meet difficulties that will make him feel deep sorrow and great misery, for he will see his country miserable. On such occasions as the present in a nation's history, great minds step out and teach great lessons, and guide the people into the path of truth. Shall we be told that we have no man of that kind amongst us—that we have no man so bold, so just, so virtuous, so enlightened? Such men have never yet been wanting among us, and if the right hon. Baronet be wanting, we shall find others to pursue the track which he refuses to follow. If you purpose to do away with the domination of the Church in Ireland, what have you to face? The Protestant feeling of England. What misery can arise from facing that feeling? Dismissal from office. Is that a great misery? Is that a thing not to be met? Will you risk civil war for your love of office? On the other hand, remember, if you do not face the Protestant feelings of England, you have to face the power of eight millions of the people of



Ireland, and that power you can control only by the bayonet. It will come to that. If the people of Ireland refuse to pay tithes, by which the domination of the Church is maintained, on the ground that they are the badge of slavery, you have no alternative but to collect them at the point of the bayonet. By-the-by, we were told by the Secretary for Ireland, that tithes belong to the landowners. Why, what could he have been doing all the years of his life? It does so happen that the landowners are precisely the persons to whom tithes do not belong: they belong to everybody else before them. The landowners bought the land, subject to the charge of tithes. If I buy a field, subject to the payment of tithe, I calculate the amount of the tithe, and I pay the price of the produce of the field, deducting the value of the tithe. I do not—I cannot pay for the tithe. The tithe remains to—it belongs to the nation. And when I heard a noble Lord connected with Ireland (Lord Jocelyn) assert last night that the nation has not the power, or what the noble Lord called the right, to appropriate tithes to any purpose it pleases, it was clear to me that the noble Lord had not considered the circumstances under which tithe property was created. Tithe was created by Roman Catholics, and dedicated to Roman Catholic purposes. That dedication has been wholly changed—by what? By the will of the people. When this division took place tithe property was as sacred as it is now. If tithe could be diverted from its original Catholic to Protestant purposes, by the will of the people why cannot the same power divert it from Protestant purposes, to any other object? Tithe, I say, is national property, and may be, and must be, applied by the national will. We are told that a sacred ordinance exists with respect to this point, which we cannot break. I want to know who tells me that. My fellow man. Shall I assume to be right against seven millions of my fellow subjects? Who says that tithe property cannot be diverted from its present purposes? Why, he is merely a man, who owns some Protestant feeling, he must get rid of his Protestant feeling, if it stands in the way of the happiness of seven millions of the people. I admit that there exists an anti-Catholic feeling in this country. The right hon. Baronet faced it once when he passed Catholic Emancipation. I believe that if the people of

England had been polled at that period the majority would have been found to be against Emancipation. The right hon. Baronet, however, faced that feeling; and why? Because the danger in Ireland was great, and how easily did the right hon. Baronet oppose the Protestant feelings of England? I believe that the only loss the right hon. Baronet incurred was, the gratification of representing the mind and Christian virtue of the University of Oxford. That was all. The right hon. Baronet's countrymen have shown him since, that he has not forfeited their goodwill in this respect. There was no man—there is no man who stands higher in his countrymen's opinion than the right hon. Baronet, although he faced the Protestant feeling of England on that occasion. If he fear to face it now again, some one else will be found to do so. The thing must be done. The Irish Church, as a badge of slavery, must be, and will be, utterly put down. In saying that, let no man misunderstand me. I attack not any man's belief; I attack no man's Christian feeling—I attack only the desire, on his part, to make other people pay for the services which he receives. Nothing else. What supports the united Church of England and Ireland? Money. It means nothing else but money. If your object is to propagate your faith, you do not effect it by means of the establishment. Every day the number of the members of the establishment are diminishing. You are more likely to propagate your faith if your Church be humble and poor than you are whilst it remains rich and insolent, and therefore, for Christian purposes, it is desirable that the Church of Ireland should be reduced. Let no man misunderstand me. I am not attacking the Protestant faith. [*A laugh.*] That laugh teaches me what is meant by the domination of the Protestant Church. When I am distinctly stating that I attack no man's faith or Christian feeling, but object only to one man being compelled to pay for services rendered to another, I am laughed at. This shows that, in the opinion of the laughers, the Protestant faith and Christian feeling mean money. I say, that if you want to allay agitation in Ireland, you must get rid of the badge of slavery. I believe, that the feeling of injury and wrong in the minds of the Irish people is, very naturally, exaggerated; but that feeling is connected with another feeling,

namely, that of nationality, without which no nation ever yet was great. We should foster nationality in Ireland. We cannot get rid of the feeling of injury and wrong, without destroying national feeling, and we can no more do that than we can turn back the sea. The national feeling of Ireland is influenced by a sense of injury and wrong, arising from the existence of the badge of oppression, and if you wish to tranquillise Ireland, you must remove that badge. But I no not think our endeavours should end here. We have heard much of the landlords of Ireland; they are described as kind, humane, and beneficent. No doubt they are; but I wish they had an immediate money interest in the well-being of their tenants. It unfortunately happens that in Ireland, the whole of the population, with the exception of the landlords, consists of tenantry. The land is divided into very minute portions, and up to a very late period, the landlords were in no degree responsible for the welfare of their tenants. If the Poor-law of England were to be imported into Ireland, the landlords of that country would, in a very short time, receive no rent at all. And why? Because those duties which were said to belong to property, would require the whole of the rent to be expended in the maintenance of the poor. I think that that would be a great evil; but I do hope to see a gradual approximation to the English Poor-law in Ireland; and if you impose the poor-rate not on the poor tenant, but upon the landlord, you will have taken the first great step towards the arrangement of the difficulties connected with the tenure of land. Do that, and maintain, as far as you can, the Catholic clergy, in a decent and proper manner, as suggested by many hon. Members, in everything you do, show that you desire to promote the well-being of the people, and, above all, utterly and completely renounce all connection with that dominant party, the Orangemen of Ireland. Combine your forces—throw yourselves on the country—have faith in the good feelings and good sense of the people of England—do this, and you will find difficulties vanish before your prudence and firmness. Ireland will then be what she ought to be, the stay and support of this country; and not as she is, an ulcer eating into the vitals of England, and threatening every hour, as was stated

by the right hon. Baronet at the head of the Home Department, the very existence of the empire.

*Sir R. Peel* : Sir, in considering the character of the motion which is now under discussion, and in noticing some of the topics which have been introduced in the course of that discussion, I shall commence by observing that I entertain the intention—an intention to which, I trust, I shall be enabled to adhere—of obliterating altogether the recollection of everything which may have passed during this debate of a mere personal or party character. It may be necessary for me, in the course of my observations, to defend the Government against charges which have been brought against it, but in doing so, I shall rest no part of that defence upon recrimination of others, or upon a vindication of the course which the Government has pursued, by attempting to show that it has not been more objectionable than the course which others had previously taken. I feel too deeply the importance of the subject before us not to wish not to be diverted from it by those considerations which are frequently introduced in the heat of debate, which, perhaps, are necessary in party conflict, and which adds so much zest and excitement to the debates. But, if I forego the advantages which belong to the interest that such topics excite, yet the attention with which all have been heard who have spoken in this discussion, and the disposition which seems to be entertained to attach due weight and importance to all that may be addressed to the House on the subject, convince me that I shall receive as much attention by confining myself strictly to the matter before us, as if I were to indulge in party feelings or recriminations. If I thought that the object of the motion which the hon. Member has brought forward were to obtain a calm and deliberate inquiry into matters connected with the condition of Ireland, my difficulties in opposing the motion would be immensely increased—but I do not believe that it has been brought forward for the purpose of producing that inquiry. We are charged with resisting inquiry—but many who support the motion admit that such an inquiry as I have described is not the object, and some will vote for the motion, because they believe it implies a want of confidence in her Majesty's Government, and an opinion that the settlement of the



questions involved ought to be transferred to other hands. No doubt the inference which the public must draw will be, that the carrying of this motion will be tantamount to a declaration of want of confidence in her Majesty's Government, and if those who placed us here think that we are not fit for the settlement of affairs—that there is something of party connection which prevents us from taking a proper course—that there is something in the policy which we have pursued with regard to Ireland upon which they differ in opinion from us—then I agree with the hon. and learned Member for Bath that the present is too important a question to permit party connections or party considerations to prevail over their opinions. It will be better for hon. Gentlemen to follow up a speech indicating any such feeling, by a vote to the same effect. It is with no unfriendly feeling that I say of this debate, as I say of the Arms Bill that if any hon. Member think the motion should be carried, and that we proposed measures connected with Ireland which have a tendency to offend, whilst no good can result from them, it is then the duty of those who entertain such opinions, whatever the consequence may be, to give the legitimate and practical expression to those opinions. So far from considering that hostile or unfriendly, I think it would be a more manly and Parliamentary course, and one infinitely more friendly to the Government, that they should thus practically express their opinions than to imply a difference of opinion from the Government, whilst they lent it a hollow support. I speak, Sir, not only of those who have expressed their opinions in this debate, but also of those who have not had an opportunity of speaking; and I say that no party or personal consideration ought to deter them, on an occasion like the present, from giving their honest and sincere opinion—that practical expression which is best implied by a vote. I must now revert to that part of the speech made by the hon. Member who introduced this motion, wherein the hon. Member said, that he intended his motion to be an arraignment of the conduct of the Government, and of the Imperial Parliament, towards Ireland. I shall first refer to that part of his impeachment of the conduct of Parliament, which relates to its conduct as to liberality towards Ireland in a pecuniary point of view. The

hon. Member says, that one of his reasons for being inclined, at least, towards the Repeal of the Union, is a strong opinion, that the conduct of the Imperial Parliament towards Ireland, in respect of pecuniary grants for her peculiar domestic interests, has been parsimonious and niggardly in the extreme, and he also charges Parliament with having showing a disposition to do injustice to Ireland with the pecuniary burthens imposed upon her. My firm impression is, that that accusation is unjust and unfounded. You may say, that these are matters of small importance, and I would not have noticed them if they had not been brought forward as one of the prime grounds for the impeachment of the imperial Parliament. In point of fact, however, they are not matters of small importance, for they are calculated to make a deep impression on the minds of the people of Ireland. The hon. Gentleman repeats, what has been said before, that Ireland has been treated in a parsimonious spirit. Now, Sir, these are topics that have undergone repeated consideration. They have been submitted to the tribunals best qualified to examine them with temper and impartiality, to committees of the House of Commons, composed of Members actuated by no unkind or unfriendly spirit towards Ireland. There was a committee appointed, some years since, at the instance of a noble Lord then a Member of this House, from whom I differ in political opinions, but who, during his tenure of a seat in this House, was always remarkable for his attention to the affairs of Ireland, and for his desire to see justice done to her. I allude to the late Chancellor of the Exchequer, the present Lord Monteaigle. Charges similar to those now raised against Parliament had then been brought forward, and I now hold in my hand an extract from the report of the committee on the Irish miscellaneous estimates, it says:

“That the committee in discharging the duty intrusted to them by the House, felt it their duty to refer in the first instance to the principle under which the Irish civil estimates were originally made a part of the public expenditure. By a clause of the Act of Union, the Parliament of the United Kingdom was bound to provide, that a sum not less than the sum granted by the Parliament of Ireland, on an average of six years, immediately preceding the 1st of January, 1800, in premiums for the internal encouragement of agriculture and manufactures, or for maintaining institu-

tions for charitable and pious purposes, should be applied for a period of twenty years, to such local purposes in Ireland, in such manner as the Parliament of the United Kingdom should direct."

That was the contract made. The report then proceeds—

"The sum so voted by the Irish Parliament was 73,277*l.* per annum, which, for twenty years, would not have exceeded the sum of 1,465,540*l.*; but the Parliament of the United Kingdom had not confined its liberality within the limits prescribed by a rigid adherence to that rule—for not only have those grants been continued, but considerably augmented."

I will not read the details; but the sums granted by the Irish Parliament as the rule—if there had been a niggardly spirit in the Imperial Parliament—would have been 1,460,000*l.* whilst the total amount for twenty-eight years voted by the Imperial Parliament was 5,348,000*l.* making a sum exceeding in a three-fold proportion, the amount contemplated by the precise terms of the Act of Union.

"It was also necessary to call the attention of the House," proceeds the report, "to the additional sums voted under the head of Irish miscellaneous estimates and civil contingencies. On an average of six years preceding the 1st of January, 1800, they amounted to 127,860*l.* The total amount for twenty-eight years since that time was 5,003,062*l.* in addition to the other 5,000,000*l.*, making together a total 10,000,000*l.* under these two heads."

It is impossible, then, that the ground of accusation against Parliament for want of liberality towards Ireland can be maintained. If I compare the sums expended on Ireland with those that have been voted for Scotland, I find an immense preponderance in favour of the former country. And here I entirely exclude the expenditure for the Lord Lieutenant's establishment, and other expenses connected with the civil Government, which are necessarily much heavier in Ireland; but, excluding these, I find, that the aggregate expenditure on Scotland in the last seven years, amounts only to 663,000*l.* while that of Ireland is no less than 2,262,000*l.* Do I grudge this expenditure? Do I say, that this liberality has been misplaced? Not at all. And I would not even have referred to the subject, had it not been for my desire to disprove the allegation of the hon. Gentleman, that Parliament has acted in a penurious and niggardly spirit towards Ireland. If I take the fulfilment of the obligation contracted at the time of the Union, and

test the liberality of Parliament by that, I find that the sum voted, amounted to three times the sum which Parliament contracted to vote. And if I contrast the votes for Ireland with those for Scotland, I find the latter in seven years amounting to about 660,000*l.*, and the former to the sum of 2,260,000*l.* So much for the contrast of Parliament with respect to the votes. Now with regard to the burthen of taxation; can it be truly said there is a spirit in the Imperial Parliament hostile to Ireland? The hon. Gentleman referred to the scale of contribution proposed at the time of the Union, and considered that the 2·17ths required from Ireland, was too great an amount in proportion to her revenue. Surely the question now is not what Ireland was required to pay at the period of the Union; the question is, what is now the *animus* and feeling of Parliament towards Ireland?—what is the burthen Ireland is required to bear?—what is the confidence Ireland must feel that she shall not have justice done to her in respect to taxation? If the two countries are to be united in respect to indirect taxation, it is exceedingly difficult to make any discrimination. The great object is, if you are to be united, to oppose no obstacles to perfect free inter-commerce—to have no system of drawbacks—to oppose no checks to Irish produce coming over to this country or to the introduction of British produce into Ireland. And, therefore, in respect to indirect taxation, nothing would be more difficult or unwise for Ireland herself, than an attempt to establish a discriminating duty. Your Customs' duty, as a general rule, must be the same, or you would place impediments on commerce which would be highly injurious. With regard to the Excise, the principle was nearly the same. But when there is a distinction drawn with respect to indirect taxation, it is just, perhaps, as it ought to be, in favour of Ireland. Then, as to direct taxation, what is the truth? Would Ireland benefit as to direct taxation by a repeal of the Union? Considering the establishment she would have to maintain, is it possible that a repeal of the Union would benefit Ireland with respect to direct taxation? They pay no window duty in Ireland, though every other part of the empire pays it. There are no assessed taxes there; but other parts of the empire are subject to them. And in a great financial crisis, when we found it



necessary to raise a large sum of money by direct taxation—when we proposed the property-tax, Ireland was exempted from its operation. Now take the Post-office. Why, at this moment, the whole of the Post-office service in Ireland is conducted at the public charge. There was not, I think, in the last year, more than a sum of 1,000*l.* remitted from Ireland on account of the Post-office, and perhaps a sum of 1,000*l.* in the year preceding; but with the exception of that 2,000*l.*, since the new arrangement of the Post-office duty, Ireland has remitted nothing. The whole advantage of the penny postage is given to Ireland gratuitously, at least the charge of the establishment is equivalent to the amount of the duty. Every other part of the empire has a duty upon soap; Ireland alone is exempt. Am I claiming credit for these things? Am I bringing them forward as a reason for especial gratitude upon the part of the Irish people? No. I would not have mentioned them had not an overcharge of taxation been stated as a proof of our disposition to do injustice to Ireland; and I think the facts to which I have referred, afford conclusive proofs that there is no such disposition, either with respect to grants for the benefit of that country, or to the share she is called upon to take in the general burthens of the empire; and that the argument in favour of the repeal of the Union upon this ground is utterly unfounded. The hon. Gentleman then proceeded to attack the executive Government of Ireland, and others have followed in the same course. Why, what are the charges that have been brought against us? Have you charged us with any act of injustice or intolerance? Have you brought forward any proofs on our part of a disposition to encourage or revive religious animosities? Have we rescinded any of the acts of our predecessors, done with the intent of marking disapprobation of a religious spirit hostile to the Roman Catholics? On the contrary; the only things you have to refer to as a proof of misconduct on the part of the Irish Government are almost confined to the appointment to judicial offices of two gentlemen, against whom it seems the only objection is, that they may have been too merciful in the administration of justice. Sir, I am surprised to hear such sweeping condemnations of the Government, and to find, when we come to facts, that they rest on such narrow foundations.

It is disparaging to Ireland to hear such peculiar importance attached to what relates to judicial patronage. The hon. Gentleman says, that one of his charges is that Ireland is made use of to provide for the dependents of ministers. [Mr. S. O'Brien: I stated it merely from the papers.] Yes, you stated it from the papers, but you went on and adopted the charge, and you repeated that patronage was made use of in Ireland for the benefit of the friends and relations of ministers. Now, if there is one source of patronage in Ireland likely to be more fruitful than any other, the hon. Gentleman will probably admit that it will be found in the Irish church. Now, in vindication of myself and the Government, I shall take the liberty of reading the first letter written by me to the Lord-lieutenant of Ireland on the subject of the patronage of the Irish Church:—

“Let it be understood that in respect to the church preferences you will act upon your own sense of duty, and on the result of your own inquiries; and, if that sense of duty prompts you to prefer the claims of professional merit, let your inquiries be directed to the ascertainment of those claims.”

I am perhaps unwise, in some respects, in reading this letter. But we are charged with being subservient to party, with thinking of nothing but Parliamentary support, with sacrificing the interests of Ireland to our political friends. I believe, however, the communication I have just read, and which was addressed by me to the Lord-lieutenant, is calculated to disprove the charge. This communication, will, indeed, account for some of the difficulties we have had to contend with, in attempting to govern Ireland otherwise than by the intervention of a party. My letter proceeded,—

“It is absolutely necessary, for the best interests both of Church and State, that the patronage of the Irish church should be applied on such principles. I will willingly forego any Parliamentary support which would only be conciliated by the disregard of those principles; though, indeed, the fact is, that, (if such considerations are to be attended to), the interests of Government are in the long run much better promoted by the honest exercise of patronage than by administering it to favour individual supporters.”

That letter, Sir, I addressed in September, 1841, to Earl De Grey, little thinking that an occasion would ever arise when I should be called on, in reply to an unjust charge, to refer to what I then wrote. The hon. Gentleman has also referred to

Mr. Purcell's mail-coach contract. For the sake of Ireland, not for the sake of the Government, I deprecate such charges made in the old spirit of Irish partizanship. For what purpose has this House directed contracts to be made by public tender, but to prevent unfair favour by encouraging open competition? Public notice of the contract was given. The Irishman was at perfect liberty to underbid the Scotchman or the Englishman. The result of the open competition is, that the Scotchman offers to take the contract for 2,000*l.* less, and the Scotchman gets it. And then we are told that we are insulting Ireland by transferring the contract from an Irishman. I regret that the contract passed out of the hands of an Irishman. I wish most heartily that an Irishman had made the lowest offer, and I did what I could do, consistently with my public duty, to prevent any injury in the individual case; but you are disparaging Ireland when you make a public grievance out of such matters as this. [*Hear; Yes.*] These are small matters, but they make a great portion of the charge against us—[*No, no.*] Then you concur with me that these things are not worth notice? [*Yes, yes.*] I am glad to hear it; but still these charges have been made against the Government. Then on the subject of education a most ungenerous charge has been made against us. Had we on this point been disposed to consult party considerations, with a powerful majority in this House, had we determined to withdraw the vote of public money from the national system of education, or had we been disposed to follow a course recommended to us by many plausible arguments, namely, to establish a separate system for the members of the Established Church, we should have gained great additional support. The strongest feeling existed on this subject in Ireland, and I was urged from many quarters to establish a separate system of education. There is no one act by which we could have more conciliated the Conservative party in Ireland; no act which would have been attended with less danger to us in this House than by yielding to the representations of our friends. We carefully examined the advantages of the present system and the dangers of the separate system, and we hoped that by persevering in the continuance of the national system, we might lay the foundation of an abatement of

religious animosity, and in that hope we determined to adhere to the national system, though we thereby incurred much hostility. And what is now the return made to us here in the House of Commons? Why, the hon. Gentleman says that the Protestant clergy are disgusted with the course we have taken, and he goes on to say that they have good reason to be so; and he makes himself the advocate of a spirit, to which, if I had acceded, no charge would have been urged against me with so much pertinacity. So much for the charges urged against the executive Government by the hon. Gentleman. I can truly say the intention of the Government has been to act fairly towards all parties, to follow out the spirit of the law, which, by abolishing the civil disabilities of the Roman Catholics, established equality between them and the rest of their fellow-subjects. The hon. Gentleman accuses the Government of neglect towards Irishmen, and he read a number of appointments which Irishmen have not received, as if the test of good Government was appointing his countrymen to efficient situations. He charges us with not having given a sufficient number of good things to his countrymen. I deny the charge altogether, but it applies to the noble Lord opposite rather than to me and I must allow him to answer for himself. The original Poor-law appointments, the commissioners of police, and several others, were all made by the noble Lord. But the hon. Gentleman should not confine his views exclusively to Ireland—he should have inquired whether there was not a corresponding number of Irishmen employed in England. I am sorry to hear such charges brought forward; but as they have been, I must observe, that I recollect that some years ago I had to appoint two commissioners for the metropolitan police. Now, these were two exclusively local appointments, and I remember that I neither thought of the religion or of the country of the persons I appointed; but it so happened that I selected two Irishmen to act in England, and I never heard a question raised as to the propriety of that appointment. I believe that the same principle holds in other appointments, and that the fact of a man's being an Irishman never operates to his prejudice. There is only one occasion on which I have heard the question raised. I had recently to appoint, in consequence of the



liberality of Parliament in voting monuments to naval heroes, to be placed in Greenwich, three sculptors; and it so happened that two out of the three were Irishmen, and the first time I heard of the fact was in consequence of a paragraph in a newspaper in which it was said that such is the favour shown to Irishmen, that two out of the three sculptors were Irishmen. I hope that this will remove from the hon. Member's mind the impression, though the noble Lord is responsible for the appointments in the police and the poor-law, that Irishmen are not equally favoured with Englishmen and Scotchmen. I am convinced that at least the desire of the Government is to do equal justice to all three parts of the empire, and whether a candidate be an Irishman or a Scotchman, to appoint the man best qualified for the situation. In the course of the debate, it has appeared that the chief grievances of Ireland may be arranged under three heads—the social grievances, the political grievances, and the religious grievances. By the social grievances described those are meant—and it is impossible to deny their existence—which are connected with the state of the peasantry and of the great majority of the people in Ireland, the demand for land, which, on account of the poverty of the inhabitants, is the only source of existence and the relation of landlord and tenant. I will first address myself to this social grievance. No man, Sir, can deny its existence; but it is not now known for the first time. It has formed the subject of repeated inquiries, and there are reports of committees of this House whose labours have lasted through whole Sessions, containing the fullest information as to the state and condition of the peasantry of Ireland. No man can deny that it is most unsatisfactory, both with respect to the demand for labour and the possession of land; but when hon. Gentlemen press the Government to apply an immediate remedy, does not experience and common-sense teach them that it is impossible for the Government or the Legislature to devise an immediate remedy for evils of this nature? It is said amend the law of landlord and tenant. With respect to any such amendment, my opinion is, that any alteration of the law which seriously affected what I understand by the right of property—namely, the free possession of property—any alteration of that great

principle which distinguishes civilized from barbarous communities, would be most injurious to the interests of Ireland. If we tell the possessor of wealth that in Ireland the purchase of land will not be uncontrolled, we shall, in my opinion, strike a fatal blow at property. I speak, however, generally of the rights of property, and not of its abuses. If the hon. Gentleman had proposed a committee of inquiry into the state of the law in England and in Ireland which regulates the relation of landlord and tenant, who is there who would have opposed such an inquiry conducted on a fair principle, for ascertaining whether there is any difference in the law between the two countries or whether there exists in Ireland any law which inflicts injury upon the people? I, Sir, for one, would certainly not have offered any opposition to such an inquiry, and it is fair to say, that if a remedy can be devised for an undue exercise of power by the landowners in Ireland, without affecting the rights of property, I will give my most attentive consideration to the subject. If you tell me that a tenant-at-will improves the property he occupies, relying upon the justice and generosity of his landlord, and that, having so improved that property, he gives a vote, or does some other act, hostile to the feelings of the landlord, and is ejected from his tenancy, no compensation being made to him for his outlay,—if the landlord takes advantage of such hostile vote or act, for the purpose of availing himself of any benefit he may gain by taking possession of the land without affording compensation to the out-going tenant,—that is undoubtedly a gross injustice. I trust, and believe, that this is a case of rare occurrence; and if so, it may be difficult to apply a legislative remedy. But if such cases were of frequent occurrence, and a legislative remedy could be safely applied, I think it would be the duty of the House to afford such remedy. It is, however, a subject of great difficulty. Do not charge the present Government with the neglect of it. The hon. Member for Rochdale (Mr. S. Crawford), in a previous session, brought in a bill to apply a remedy. I was not a party to oppose that measure. I think, that the most vigorous opposition came from the hon. Member for Limerick. ["No"] Did not the hon. Member vigorously oppose the bill of the hon. Mem-

ber for Rochdale, for regulating the relation of landlord and tenant? At any rate words to that effect were attributed to the hon. Member for Limerick—but as he says, that the words are not his, he could not have used them, but he is reported to have said, that he would not permit the bill to be introduced without the fullest explanation, as it would establish a dangerous precedent. [Mr. S. O'Brien: I have not looked at the report, but I cannot have used those terms.] It is evident there has been some mistake. The noble Lord the Member for Sunderland suggested measures of a very comprehensive nature, for the purpose of remedying some of the evils connected with the condition of the Irish people; and the noble Lord expressed his opinion, that this House would act wisely in making grants on a very extensive scale for the construction of railways in Ireland. The noble Lord went so far as to say, that if even a sum of 8,000,000*l.* or 10,000,000*l.* was expended in the formation of railways in Ireland, he thought it would be a cheap outlay on the part of this country. If I could agree with the noble Lord that, such expenditure would really conduce to the permanent advantage of Ireland, I should be very little disposed to grudge a considerable outlay in order to lay the foundation of ultimate tranquillity. But I do entertain strong doubts as to the policy of making such extensive outlays for the construction of public works, unless you are most cautious as to the principle on which you proceed. Nothing is more fair than to apply the capital of a country to the execution of such works, if you are perfectly certain those works will succeed as a speculation—that profit will be derived from them, and that from the profit so obtained there may be a return for the advance of capital. But if that is not to be the case—if the railway is to be unprofitable—if there is to be no equivalent return, I doubt the policy of taxing the people of one part of the country for the purpose of erecting public works in another. As I said before, I do not object to the principle of the application of capital, provided the work you undertake to execute is likely to succeed, and to lay the foundation of permanent benefit; but if this is not the case, what is it but applying a temporary stimulus to the industry of the country? What will be your situation after this extensive outlay

has been made, when there is no further demand for labour? But the noble Lord the late Secretary for Ireland (Lord Morpeth) said,

“I would demand a security from the Irish public. I would take a collateral guarantee, by requiring the counties to assess themselves to repay these advances.”

I confess, I greatly doubt the policy of establishing such a relation between the executive Government and the counties of Ireland. The same result would follow which has been witnessed in the case of the union workhouses. You advanced some 1,200,000*l.* or 1,500,000*l.*, for the purpose of building workhouses in Ireland, requiring repayment from the poor-rates. While the workhouses were in progress there was apparent satisfaction; the masons had plenty of work, and the carpenter was covered with chips, but the time came when they were finished, and the Poor-law brought into operation—they had then to be paid for; and you so contrived it, that the charge fell on the poorest occupiers—the people were assessed at their twopences and fourpences. [Lord J. Russell: The Parliament.] Undoubtedly, for I gave my vote in favour of the bill; but still the fact was so. Then, Sir, came a sudden fall in prices—consequent distress; and, to add to it, came the demand for the repayment of the advances made on account of the workhouses. I mentioned the sudden fall of prices, but, let me add, not in consequence of the tariff of last Session, but in consequence of the abundant harvest of the last year. However, that fall in prices naturally enough produced discontent; and what has passed in Ireland since that period, proves that any immediate or sudden disturbance of the laws relating to the introduction of corn into this country without some special legislation for the case of Ireland, must tend very much to aggravate the distress which now prevails there. Then, Sir, with respect to railways—the noble Lord proposed, that we should get a guarantee for our capital from the counties of Ireland in which they were formed. But, Sir, suppose the railways completed, and I must say there seems to be a very mistaken notion very prevalent in the public mind as to the effects of railways. If they are the connecting links between two great manufacturing towns, or pass through a largely mercantile country, then no doubt they



must naturally prove of the greatest advantage to those towns; but as to the country through which the railway itself passes, I cannot think that the passage of the merchandise contributes to promote any great prosperity. It is a convenience to the inhabitants; but as to the railway, except as the connecting link between large places, I doubt its great advantage. After we have executed the railway, however, unless it be a profitable undertaking, I conceive we should have made a bad application of the national wealth, and we should establish a conflict between the land and the executive Government, for we should have to come upon the land and demand repayment, and it would be very difficult to adjust the proportions, or to say, that those parts of the country which are distant from the railroad should pay as much as those which are near. There can be no relation between the Government and the land in Ireland, which can place them in a worse position than by calling upon the land, years after the work has been executed, to make a repayment. It is therefore on this account that I distrust the recommendation of the noble Lord to execute the great lines of railroad, except on a guarantee for the repayment of the advances, by the personal security of those who are willing to undertake the speculation, or from the natural source of the returns from the speculation. I think, Sir, that another recommendation of the noble Lord, to promote emigration as a means of relieving the distress of the people, is better entitled to serious consideration than the factitious stimulus to industry by the promotion of public works; be it understood, however, that I am not speaking of the application of the public revenue to the undertaking of works which are likely to be profitable, to which I think we ought to limit the advance of public money. With respect to the social condition of Ireland, therefore, there can be party question—there can be no difference of political feeling; and in my opinion the interest of the landlord is mainly concerned in giving security to the tenant, and in inducing him to effect improvements in the land. So far as the condition of the country in its social relations is involved, there is fortunately no difference of opinion or of party views; and we are all at liberty, without reference to party considerations, to consider how far the law can be improved to redress the social grievances

of Ireland. Now, Sir, with respect to the political condition of Ireland. In my opinion, and to the opinion I have often given expression there ought to be perfect civil equality. There is an equality so far as the letter of the law is concerned, and I have stated before, when I sat on that side of the House—and if I had any interest in exciting prejudices, that was the time to raise them—that the Government ought to act strictly upon the law, recognizing practically its spirit. If I am asked now whether there ought to be any objection offered to the appointment of a person to civil office because he is a Catholic, or differs from me in religion, I say that there ought not. I know of no civil office for which he ought to be so disqualified. If it be a judicial office I say there is no disqualification. If the claim of a Catholic entitled him to the judicial seat he ought not to be excluded from it. In no civil office ought the fact of a man's being a Roman Catholic to be an impediment to his obtaining it. The noble Lord says that attacks were made on the late Government in consequence of the appointment of the right hon. Gentleman (Mr. Sheil), of the right hon. Gentleman the Member for Kildare (Mr. O'Ferrall) as Secretary to the Admiralty, and of the hon. Gentleman the Member for Waterford (Mr. Wyse) as a Lord of the Treasury. I recollect, Sir, to have distinctly stated my opinions on this subject in a debate in this House, and it is too much to hold any Government responsible for the violent speeches out of doors of hon. Gentlemen professing to be its supporters. I never complained, nay, I entirely approved, of the selection to office of those gentlemen, and I cannot be charged with sanctioning these unjust imputations, for I distinctly stated to the House that I did not countenance that objection. Then the noble Lord complained that we have not removed from the statute-book an oath that is hurtful to the feelings of the Roman Catholics, and he has said that every person taking it charged Roman Catholics with idolatry. This, Sir, only shows that impressions of a grievance may be excited which are not perfectly well founded. I may, Sir, claim credit to myself for having been the person who removed from the statute-book this oath, which the noble Lord thinks now remains, and is an offence to the feelings of the Roman Catholics. On proposing

the Roman Catholic Relief Bill in 1829. I said,

"It is proposed to repeal altogether for Parliament, and for office generally, the declaration against transubstantiation. There is no object in retaining it as a test to be taken by the King's subjects in respect to any office or franchise for which the Roman Catholic is to be hereafter qualified. It was applied originally solely as the instrument of exclusion. It is the mere abjuration of belief in certain doctrinal tenets of the Roman Catholic faith; and I believe there are few Protestants who would not have rejoiced in being relieved from the necessity of making that declaration as a qualification for the enjoyment of a merely civil privilege, even if it had been determined to continue Roman Catholic exclusion, and if other means of effecting it could have been devised. But when exclusion is to cease, let us be spared the pain of pronouncing an opinion for mere temporal purposes, in regard to the mysteries of religion, and branding as idolatrous the belief of others."

That, Sir, was the spirit with which I was actuated in 1829, and the way in which I gave practical effect to that spirit was by repealing altogether the declaration against transubstantiation as a qualification for office. Now I hope that the noble Lord will think that answer satisfactory. Proposing then to omit many things heretofore in the oath, likely to be offensive to the feelings of the Catholics, I said :

"It will perhaps be observed, that this form of oath omits some abjurations and disclaimers which are inserted in the oaths now required from Roman Catholics. Sir, it does so, and purposely and advisedly. Why insult the Roman Catholic, on whom we are about to confer the equality of civil privilege, by compelling him to reject, in terms, 'the impious position that it is lawful to murder heretics,' or to record his detestation of the 'unchristian principle that faith is not to be kept with heretics?' We cannot suspect the Roman Catholics of these countries of entertaining such opinions; and if we do suspect them, we have been wrong heretofore in giving them their existing privileges. I will neither detract from the force of those disclaimers, which the oath will contain, by the addition of useless incumbrances; nor mortify, by galling and unjust suspicions, the fellow-subjects whom we are inviting, in the spirit of peace and confidence, to share the blessings of equal and indiscriminating laws."

I am quite sure that the noble Lord could not wish me to have expressed myself in a spirit different from that; and that is the spirit in which I believe the Legislature is now disposed to act in respect of those persons who profess the Roman Ca-

tholic religion. Then, with respect to the franchise, I will not follow the noble Lord through his speech on this subject. From my respect for his great abilities, and the experience I have had of the general tone of the speeches which I have heard him deliver, I confess I was sorry that, on this occasion, he occupied so great a portion of his speech with accusations. I shall not follow him through those charges which he brought forward. I will not enter into that question, but I will refer to the bill for the registration of voters, brought forward by my noble Friend (Lord Stanley). My noble Friend, then in opposition, sensible that there were very great evils admitted by all—that there was very great opposition and inconvenience in the registration of voters—did attempt to apply a remedy, without at the same time feeling himself competent to introduce any complete and satisfactory law on the subject of the franchise. Well, we came into power; you say we have a majority, but at any rate we have not used it for the purpose of diminishing the privileges of the Roman Catholics. We were not induced, by the possession of a majority, to persevere in a measure which was said to be a restriction on the franchise. But why should we not have persevered in our own course, if we had been disposed to act in a spirit of hostility. Give us, at least, the credit for having been unwilling to apply our majority for the purpose of working injustice. There are other causes not connected with the registration of voters which tend to diminish the number of voters in Ireland, and we are not willing to propose any measure which shall have the effect of diminishing the franchise without at the same time, introducing other measures which shall provide an ample and just compensation for any diminution of the franchise caused by the amendment of the law. What the exact principle of such a measure may be, this is not the time to inquire. You say, give us the English franchise; but I greatly doubt if we gave to Ireland a law precisely like that which prevails in England, with the same construction of course which is applied to the English law, whether the franchise in Ireland would not be very much limited. I except the case of the 40s. freeholders in fee-simple, but if this class of voters were introduced into Ireland, under the same rules which exist in England, I



do not think that the franchise would be very greatly extended. But without reference to the circumstances of the two countries, if you apply the same law to the franchise in both countries, you must in that case adopt the construction put upon the English law as to beneficial interest; and if you did that you would inflict the greatest injury upon the elective franchise as it exists in Ireland. There cannot be a question upon that subject. I say that in the case of the application of the English law to Ireland—of a literal, exact application of it—so far from its being beneficial, in your sense, I believe that it would be of great injury to that country. But I do not wish to act on that narrow spirit; I wish to consider what was really the intention of the Reform Bill, to carry out that intention, and to make compensation for any diminution of the franchise which amending the registration may have caused. I approach now a much more difficult and important part of the question—I mean the ecclesiastical establishment in Ireland. The hon. and learned Member for Bath (Mr. Roebuck) calls on me to give a pledge that I will consent to the abolition of the Established Church in Ireland; and he tells me that if I am not prepared to give that pledge, some other person will be found to give that pledge who will receive the place which I hold. I concur with the hon. Member in thinking that on such a question the defence of power is a most subordinate consideration. I do hope that, if I believed it to be for the public interest to propose an alteration of the law in respect of the Established Church in Ireland, that it is a matter of so much importance, that I should not be deterred from acting on my honest and conscientious conviction by the fears of the public sentiment on the subject, or of the consequence of finding a majority in this House opposed to me. If I believed that the public necessity required, or the public interest would be promoted by any particular course, I should feel it to be my duty, as a Minister of the Crown to recommend that course to the adoption of Parliament, and to take all the consequences of that act upon myself; and I should not consider it a sufficient excuse for forbearing to submit a proposition to Parliament on a matter of great importance, that the state of public opinion would, in consequence of taking that step, prevent me from continuing in

office. I am prepared, therefore, for the consequences of not giving that pledge required of me by the hon. and learned Member, and to devolve on others that responsibility which now rests on me, if it can only be returned by pledging myself to destroy the Established Church of Ireland. The hon. and learned Member proposes that the whole of the ecclesiastical revenues in Ireland should be appropriated to the purposes of the State. The hon. and learned Gentleman considers the Established Church as a badge of slavery—as a proof of dominion—as an insult to the people of Ireland. I cannot regard it in that light; nor do I believe that the people of Ireland so regard it. The hon. and learned Member who has expressed himself the most explicitly of all who have spoken on that side of the House, said he would not say that he would confiscate, but that he would take possession of the whole of the revenues of the Church of Ireland on the part of the State, and leave for subsequent consideration whether any portion of them should be applied to the maintenance of religious establishments, or whether religion should not in all cases be left to the voluntary principle, and those revenues be applied to State purposes. Which of the two should be done he did not state; on that point he has not quite made up his mind; but if the revenues were to be applied to purposes of religion they ought, he said, to be applied to all religions alike. Sir, other opinions have been put forward in the course of this debate. The noble Lord the Member for Sunderland does not go the whole length of the hon. and learned Member; he is not prepared to extinguish the Protestant Church in Ireland. Then the noble Lord the Member for London is prepared to maintain the Established Church as he finds it; the noble Lord doubts whether or no that Church is not too liberally provided for, and whether some portion of its revenues might not be diverted to other than ecclesiastical purposes; but he would maintain the Established Church, because, considering its history, and considering the relation in which it stands to the established churches in other parts of the empire, he thinks it would be dangerous to sweep it away. I am sorry that the noble Lord does not take some higher ground for maintaining the Established Church than this; for

I think that all apprehension of its affecting the Established Church in other branches of the empire is not either a valid or satisfactory ground of argument. The noble Viscount the Member for Tiverton, (Viscount Palmerston) has expressed also his opinions upon this subject. If I understood him, he would maintain the Church upon its present basis: he thinks that the tithes having been transferred to the proprietors of the land, and they being generally Protestants, it is not felt by the people generally as a burthen. I did not understand from the noble Lord that he was prepared to curtail the revenues of the Church, but he proposes a qualified establishment of the Roman Catholic Church in Ireland, to be effected by a communication with the See of Rome; and one particular measure which he suggested was, that permission should be afforded to individuals to grant endowments to the Roman Catholic clergy. While these are the suggestions of the hon. and learned Gentleman and the two noble Lords, it is contended by others that there should be perfect equality between the two religious establishments—Protestant and Roman Catholic. [*"Hear."*] The noble Lord, (Lord Palmerston), then maintains that principle? Will the noble Lord inform me what he understands by equality of religious establishments? Does he mean an equality of revenue? The noble Lord said, and said justly:—

"Before you disturb that which is established, look well at the consequences; see what are likely to be the legitimate consequences of your first step, and take care that you do not make one which can only lead to conflict and contention. Carry out your measure to its full and legitimate length when you determine upon taking the first step."

What then does the noble Lord mean by "equality of the religious establishments?" Will the allotment of the revenue in proportion to the population be that equality for which he contends? Shall I give to the Roman Catholics who constitute, say six-sevenths, or whatever the proportion may be, of the population of Ireland—shall I, after I have appropriated to the department of the Woods and Forests the whole of the ecclesiastical revenues of the Church in Ireland, shall I apply six-sevenths of that revenue for the maintenance of the Roman Catholic religion, leaving the one-seventh in the possession of the Protestant Establishment?

If I do that will it produce contentment? Will the noble Lord be satisfied? Will others be satisfied after I shall have adopted that proposal? What shall I do with respect to the religious edifices? If I adopt the principle that the Protestant Establishment is to have only one-seventh of the revenue of the Church, shall I maintain for him the possession of the whole of the churches of the Establishment? When I have reduced the means of serving those churches shall I leave them still nominally appertaining to the Protestant Establishment, or will not the noble Lord press me to go one step further, and after I have divested the Protestant religion of six-sevenths of the revenue of the Church, won't he then tell me that the churches are too abundant—that the Roman Catholics stand in need of religious edifices, and that I must carry out my principle further, and appropriate the churches of the Protestant Establishment to the Catholic worship? [An hon. *Member*: "Certainly."] Certainly! Well, but when I have done that, will that be equality? The Established Church stands in a certain relation to the State. It is represented as a part of the State. Its members occupy seats in the House of Lords. Will it be equality if I leave the Protestant bishop, with his seat in the House of Lords, and tell the Roman Catholic prelate that he is to have no corresponding voice in that House? Will not the principle of equality, then, extend either to the exclusion of the Protestant prelate from the House of Lords, or to the admission of the Roman Catholic prelate into that branch of the Legislature? If the principle of equality applies not merely to ecclesiastical revenue, but to the political relations of the religious establishment with the State all that I can say is that the change you propose to make is of a much more extensive and complex nature than that which you may at first contemplate. If that is to be the relation of the Roman Catholic and Protestant Establishments in Ireland, as between them and the State, what is the arrangement I am to make with respect to the Roman Catholics in this country. Are the Roman Catholic bishops of Ireland to have seats in the House of Lords, and the Protestant Bishops of this country to have seats, and yet the Roman Catholic Bishops of England are not to have seats? What relation is the Roman Catholic church in England to bear to-



wards the State? Should the hon. and learned Gentleman succeed in his measure of confiscation of the revenues of the Church, or should the noble Lord succeed in his more limited application of that revenue to general ecclesiastical purposes, it appears to me that they will have many important matters to consider before they shall have established that perfect equality for which they both contend as being essential to the ecclesiastical establishments of the country. Now these, I admit, are extreme cases. There may be some principle in the course which the hon. and learned Gentleman proposes. I think it unjust—I think it most unwise—I think it most disadvantageous, so to alter the relation in which the Protestant religion stands towards the State in this country; but, at all events, [I think the proposal of the hon. and learned Gentleman is established upon some principle. But with respect to the two propositions which the two noble Lords opposite contemplate, partial in their extent, they would merely have the effect of weakening the foundation and lessening the security of that which they would leave to the Church without giving any satisfaction whatever to the Roman Catholics whom they wish to serve. Why, supposing I should say—I will consider what livings exist in Ireland, where there is a very small population of Protestants—I will respect existing and vested rights, and will merely provide that, in cases where there shall be only forty or fifty inhabitants—some ten years hence, the revenues of those livings, amounting to 300*l.* or 400*l.* a year each, shall go to constitute a fund for the use of the Roman Catholics in those parishes; let me ask, in the first place, what would such a fund amount to? And, secondly, let me ask, supposing I did apply that fund to the purposes I have mentioned, should I give the least satisfaction to the Roman Catholics of Ireland? Supposing the noble Lord (the Member for Tiverton) would invert the proposition of the noble Lord (the Member for Sunderland), and instead of giving six-sevenths of the revenue of the Church to the Roman Catholics, he would retain six-sevenths to the Protestants and give one-seventh to the Roman Catholics, I ask whether an arrangement of that kind would be in the slightest degree satisfactory? Would it not, if there exist now any objection to a dominant church, leave that objection as

perfectly in force as ever? But by establishing that principle should I not have made it infinitely more difficult to adopt those other means which the noble Lord opposite proposes for me to do? I must, therefore, take the opposite extreme. I look to the Act of Union, but I at once admit that no contracts of that kind can be successfully pleaded, if necessity requires their alteration. I should think it most unfortunate to be compelled to depart from it. I should think it would have a great tendency to shake public confidence in contracts of that kind, if anything short of absolute necessity made me to depart from it. Such acts are great national compacts. You overcome great prejudices and obstinate objections by making such contracts. You give them all the force of law. You guarantee, as far as the Legislature can guarantee, a permanence in their duration. It has a great tendency to shake public confidence in the measures of the Legislature to depart from them without the strongest proof of the necessity of such a course. You may again have to overcome violent objections and prejudices; you may have again to offer equivalent measures, precautions and securities, for the purpose of abating the force of those prejudices. If you preserve your former compacts with them, the public may place reliance in your new assurances, may accept your new securities, and may again relinquish to you long cherished prejudices. But if they find they cannot place confidence in you, that after having entered into a compact of this kind you break that compact with them, your future acts will be accompanied with this great objection, that you diminish your power of doing a public good by diminishing public confidence in your measures. In 1825 what were the assurances given to the people of this country by the greatest advocates of the Roman Catholics? An hon. Gentleman has referred to the speech I made on that occasion. I certainly did say that I feared that the predictions of those eminent men would not be fulfilled. I hope the hon. Gentleman will at least believe that I might have been sincere as to my apprehensions of the result of the concessions at that time proposed to be made; that I might have mistrusted those who gave us the assurance that the removal of the political disabilities of the Roman Catholics would not in the slightest degree

affect the stability of the Protestant Church. No one could doubt that there was great objection on the part of the people of this country to those concessions being made. But the "influence of argument," the apprehension of greater danger if they were withheld, and the positive declarations of the most eminent men, tended to remove the strong objection which had existed against the removal of those disabilities. Mr. Grattan, who boasted, and with justice, of the desperate fidelity with which he adhered to the cause of Ireland, and to the interests of his Roman Catholic fellow-countrymen—Mr. Grattan positively assured the House and the Protestant subjects of the Sovereign, that in his opinion the removal of the Roman Catholic disabilities would add new security to the Established Church. In the preamble of the bill proposed and brought forward by that right hon. Gentleman, there was distinctly stated and embodied a declaration to maintain the Established Church in Ireland; and in addition to this often expressed determination of that eminent man, I find that Mr. Canning concurred in this determination, and even that Mr. Plunkett concurred in it. All these eminent men agreed in saying, that they never would be parties to any act by which the foundations of the national Church would be shaken. The maintenance of that Church, therefore, was not only provided for by national engagements, but also by the most positive asseverations and declarations made by the most eminent and distinguished advocates of the Catholic claims. Unprepared, then, as I am to travel one step in the direction pointed out by the hon. and learned Gentleman, shall I advance with the noble Lord the Member for the City of London, and the noble Lord the Member for Tiverton, as far as the Established Church is involved, and try to purchase a supposed preservation of it by the relinquishment of a small portion of its revenues. I doubt whether I should succeed in the latter; nor do I think that it would stand on sounder or better ground. I say this with the more confidence, seeing what were the engagements and assertions of the most eminent advocates of the Catholic claims—seeing the engagements that were made at the time the Relief Bill passed—seeing what has been done with respect to the Established Church in the reduction of the number of its bishops, in the reduction of its ecclesiastical reve-

nues—seeing that provision has been made for a new appropriation of them, and a new distribution of them, so that there should not be excess here and starvation there—seeing that the people have been relieved from the payment of church-cess—seeing also, that we have taken the payment of tithes from the occupier, and transferred it to the owner—if all this has been unsuccessful in giving content and tranquillity, am I to expect to obtain it by a partial concession like that which the noble Lord proposes. Is it likely, I ask, that the appropriation of so small a sum as by such means could be applied to the Roman Catholic religion, would be productive of general satisfaction? Seeing no advantage that is likely to arise from the adoption of a proposition of this partial nature, I therefore am the more disposed to stand on the law as I find it. After all these attempts that have been made to remove abuses that existed in Ireland, I hope and trust that the great body of the Roman Catholics of that country will not be induced to view the Protestant Church there in the light which the hon. and learned Member for Bath did, or that they would be prepared to give their support to any such proposition as he has suggested. The noble Lord alluded to some kind of qualified established Catholic religion in Ireland, and some objections were made that at the time when I brought forward the measure for the removal of their disabilities in 1829, I did not take the opportunity of placing on a more satisfactory basis the Roman Catholic Church in Ireland. I am satisfied that if any provision or proposition respecting the relations of the Roman Catholic religion with the State had been united to the bill for the removal of the Catholic disabilities, that it would have obstructed the success of that measure. The expressions used by me on this subject in 1829, namely, as to the relations of the Roman Catholic religion to the State, were as follow:—

"I am not insensible to the force of those arguments which have been urged in favour of admitting the Roman Catholic Church in Ireland to a qualified and subordinate establishment, by giving stipends to the Roman Catholic priesthood from the public funds. This was the measure contemplated by Mr. Pitt in 1801, and uniformly urged by Lord Castlereagh, as an arrangement which ought to accompany the removal of the political disabilities of the Roman Catholics. But, on the



other hand, there are formidable objections to such an arrangement. . . . Such interference, if accomplished by measures for connecting that Church with the State, would provoke much greater objections throughout the country, and would give much greater offence, than the mere relief of the Roman Catholic from civil incapacities. If we treat the Catholic question as a question of policy, and confine ourselves to the grant of civil privilege, we shall rest the discussion upon grounds totally different from those upon which we should have to discuss it, if we were to imply any sanction of the tenets of the Roman Catholic faith, or to make public provision for the inculcation of its peculiar doctrines."

These were the grounds which induced me in 1829 to think that it would be most unwise to mix up the religious question with the political question, and being most anxious to carry the political measure, I thought the Government adopted a wise discretion in refusing to enter upon the subject. I think also that at the present time, it would be most unwise to make a declaration on this subject. I think that if the Government made a sudden declaration that it intended to attempt the establishment of a concordat, and to make provision for the Roman Catholic clergy in Ireland, that it is as doubtful whether, instead of allaying excitement and agitation, it would not rather have the effect of increasing dissatisfaction in Ireland. The noble Lord, the Member for Tiverton, spoke of permitting individuals to make some provision for the maintenance of the Roman Catholic church, by giving small portions of land as glebes to the Catholic clergy. On that subject, also, I shall decline expressing any opinion rather than in a general debate of this nature going into the subject. I am, therefore, forced back on the proposition of the hon. and learned Gentleman. I do not believe that it would be wise to make such concessions as the hon. Gentleman and others have recommended, or that they could be granted consistently with the public interests. I cannot consent to do so, or to agree to adopt any of the propositions that have been suggested. But if others, and this House, and the majority of it, believe that the time has arrived for considering any further concession, let them fairly express their opinions by their votes. I believe that the best mode of arranging matters of this nature is by looking to public opinion, expressed by its proper organ, namely, the ma-

jority of this House; and believing, if such should be the opinion of this House, that these questions could be much better arranged by others than by myself, or by those who have concurred with me in opinion—I trust that no partiality for the present Government—that no former declaration of intentions to support it—that no false delicacy—will permit hon. Gentlemen who entertain opinions contrary to those which I have expressed, from recording their votes in accordance with their opinions in a matter of vital importance to the empire. I approach the last subject to which I shall advert, namely, the question of the Repeal of the Union. On a former occasion, I stated that it was the determination of her Majesty's Government to use all the power and authority which Office can confer, to maintain inviolate the Legislative Union between the two countries. I then understood, and I still understand, that upon that subject there is an almost unanimous feeling in the House. By the late Government, his Majesty King William was induced to announce to Parliament that he considered that the Repeal of the Union was tantamount to the dismemberment of the empire, and a public and solemn declaration was made by both Houses of Parliament, and by the Crown at the instance of the Government, that all the power and authority of the State should be exerted for the maintenance of the Union, and the Crown appealed to all its loyal subjects to co-operate in support of this object. All the Members of the then Government now gave their opinions upon the subject now under the notice of Parliament, declared in the most emphatic manner that there was no extent to which they would not resort for the preservation and the maintenance of the Legislative Union. Of course when they talked of resorting to extremes, they did not allude to constitutional attempts that might be made in that House to get a Repeal of the Union, but to all attempts by physical force or intimidation that might be made to attain that object. I was sorry, however, to hear the noble Lord say, that he regarded the discussion of the Repeal of the Union as on the same footing as the repeal of any other act of Parliament. Does the noble Lord mean to say that after the declaration on the part of the Crown to which I have adverted, that there is to be an equal liberty

of discussing the Repeal of the Union, as the rescinding any common act of Parliament. I apprehend that in regard to other measures, such a declaration on the part of the Crown would not be resorted to. Surely the Crown would not pronounce with respect to any ordinary act of Parliament, that under no circumstances—under no consideration—could its repeal be entertained—that the Crown would do everything in its power to prevent such repeal, and that, in fine, it considered the Repeal of the Union would be tantamount to severing the two countries, and a dismemberment of the empire. Surely, with respect to the Corn-law, or other acts of Parliament, it would not be the case that all loyal subjects should be called upon to combine in resistance against agitation for its repeal. It is undoubtedly a question of discretion and policy. The Crown did pursue an unusual course in declaring that opinion with regard to the Repeal of the Union. It was the opinion of the Government then in power. The opinion of the present Government is the same. We consider the Repeal of the Union tantamount to a dismemberment of the empire. We hold that it would be utterly impossible to conduct two independent Legislatures under one Executive. In the case of war what are you to do? Is the Irish Parliament to have perfect liberty to take its own course with regard to war? In the case of revenue, what are you to do? Is the Irish Parliament to have its own cruizers for the purpose of protecting its revenue? Is the Irish Parliament to have its own army? If it is to be perfectly independent, why not? If it is to have these things, is it not perfectly clear that the seeds of collision are immediately sown, and that there must be war? The interests of the two countries might be differently affected. The hon. Member for Limerick talks about non-intercourse. Sir, of the consequences flowing from the establishment of two independent Legislatures, one of the least noxious would probably be that protective duties would be immediately applied, to the detriment of industry and the interruption of commerce. For if you are to have a separate revenue, if you are to have a separate government, if you are to have a separate army, if you are to have a separate fleet for the protection of your revenue, how you are to continue to act harmoniously under one Executive, for the period of one

year is a problem that utterly passes my comprehension. Sir, I consider that the injurious effects of a measure of this kind, are comparatively and fully demonstrated, but, independently of that, you have the solemn declaration made from the Throne to Parliament—made from the Throne by the advice of the late Government, which could leave no doubt on the minds of his Majesty's subjects as to the construction which his Majesty and the Government put upon this important question. We, therefore, have, without seeking for any new laws, felt it to be our duty to exercise all the authority of the Government, for the purpose of discountenancing the agitation of the question. We have also taken all the measures in our power to adopt for the purpose of preventing the disturbance of the public peace. But I am asked what course I intend to pursue? I am told—Declare your course. Sir, I am prepared to pursue that course which I consider I have pursued already; namely, to administer the law in Ireland upon principles of justice and impartiality. I am prepared to recognise the principle established by the law—that there shall be equality in civil privileges. I am prepared, in respect to the franchise, to give substantially, although not nominally, equality. In respect to the social condition of Ireland—that point upon which, as I have said, no party feeling can prevail—with respect, I say, to the social condition of Ireland, as to the relation between landlord and tenant, I am prepared to give the most deliberate consideration to the important matters involved in those questions. With respect to the Established Church, I have already stated that we are not prepared to make an alteration in the law by which that Church is maintained. But, Sir, it is said, Why do you do nothing? Why do you stand with folded arms? Why do you not bring in measures of coercion? I know well what a tendency there is to press for measures of coercion; and not content with pressing for the employment of the powers and means in the possession of the Government to demand the instant proposal of new coercive laws, and to rely upon them for the suppression of agitation. I claim for the Government the entire right to judge with regard to the discretion to be exercised whether as to the application of the existing law, or as to the appeal to Parliament for new laws



and new powers. I am not ashamed, Sir, of acting with forbearance and moderation in a matter of this kind. I believe, whatever may be the clamour for new restrictions and new coercion, that the hasty and precipitate demand for them does not add to the strength of the executive. I think that the agitation which exists in Ireland cannot proceed without ranging on the side of the Government many who must be alarmed for the consequences which must infallibly flow from it. I speak not now of Protestant or Roman Catholic—I will make no distinction between them. But I ask, can the Roman Catholic proprietor, or can the Protestant proprietor feel himself safe if the principles which are contended for in the course of this agitation are to prevail? What will be that constitution in Ireland which is to be founded upon their appeals to the passions, their appeal to the credulity of ignorance or to distress. Do you believe that the first act of the Irish Parliament—if you were to carry your repeal—will be one to realise the expectations that have been excited? As loyal subjects can you join in the appeal to foreign countries without dishonour? I will not do you the injustice to suppose that you participate in such disloyalty. If the necessity should arise hereafter, I know that past forbearance will only strengthen the claim of the Government upon the assistance of Parliament. Some, from weakness or timidity, may have been driven down the stream, and swept into the vortex of this agitation, but as regards the calm, intelligent, and reasoning men in Ireland, I cannot believe that this display of physical force will induce them to join in the ranks of repeal, or blind them to the danger to property, to peace, to security, which is inseparable from this agitation. For myself I say, in answer to these demands for measures of coercion, that I feel a source of strength to the Government in showing confidence in the loyalty of those who I believe are well affected to the Government. And I believe that forbearance in a Government, when it can safely be maintained, will rather add to the strength than cause the weakness of that Government. I say then, Sir, our firm determination is to do everything than can be done by authority, or by power, to resist the success of the Repeal of the Union by any other mode than the constitutional one of a deliberate act of

the Legislature. The Roman Catholics say to me, “If we support you against repeal, what argument can we assign to our constituents?” Surely this—that you are convinced, after full consideration of the relations between the two countries—after the endurance of the Union for the long period of forty years—after the proofs you have had of the consequences of a separate Parliament—after the demonstrations that must have been shown to you that the re-establishment of a really independent Legislature must lead to collision and to war, and that the arena of that dreadful warfare must probably be your own island—surely, I say, you can state that as a reason for refusing to support the agitation for repeal. Other reasons, too, I submit, with all deference, you may assign to your Roman Catholic constituents. Review the events of the past fourteen years, the immense social revolutions that have taken place. Consider that in that period you have been placed on a footing of civil and religious equality with the Protestant part of the community. I speak not of this as a concession; I claim no gratitude for it, as a concession; it was entirely a sense of duty which impelled me to do what I did. But it cannot be denied, that in that period there has been a great transfer of power—the municipal franchise, it may be, is still incomplete and imperfect, but still there has been a transfer of power from the Protestants to you, the Roman Catholics. Has there not been manifested, on the part of the Imperial Parliament, towards you, and towards the country to which you belong, the most kindly feeling? Can you doubt, that on the part of the Imperial Parliament there exists that kindly feeling—evinced, as it has been, by a sincere desire, amid all our difficulties, to promote the social welfare of Ireland; by the whole events of the period of which I have spoken; by the indications which have from time to time been manifestly given of the gradual disappearance of the hostility which once grew out of religious differences. Let me appeal to you, by one common fame, by one common glory, by the remembrance of the conflicts in which the men of the two countries have been engaged, and by which they have achieved higher renown than any other country ever yet attained—let me appeal to you whether the honour of our common glory, the fear of common distress, are not argu-

ments upon which you, in turn, can successfully appeal to your constituents, and your fellow-countrymen, whether these are not a sufficient justification of your resolution to stand by us in our determination to resist the agitation for the repeal of the legislative union of the two countries.

Lord John Russell spoke as follows; \* I am ready to address the House even at this late hour (it was half-past one o'clock) but I trust the House will extend to me its indulgence, the more particularly as I labour under great disadvantage in rising at the close of so protracted a debate, and after a declaration from the first Minister of the Crown, which has naturally excited so much interest. I must, in the first instance, declare that I have heard with any thing but satisfaction the speech which the right hon. Gentleman has delivered. During the greater part of it I could have thought that I was listening to the address of some Member in opposition, who, finding the noble Lord the Member for Sunderland, the hon. Member for Sheffield, and several others in power, was making use of the most ingenious arguments in order to show that the plans of their Government were totally inefficient. That line of argument, however proper from an Opposition leader, certainly did not seem to me to be the course suited to the position of the first Minister of the Crown in discussing so important a matter as the present. Disguise from ourselves, we cannot, that Ireland is in a most critical situation; that meetings not only attended by great multitudes, but, by persons of every class except the highest, assemble to promote the object which they seem to have at heart, but, which we consider—I hope, as the right hon. Gentleman has said, unanimously—as tantamount to the dismemberment of the empire. That this state of things is serious, no one can doubt; that it is alarming, few will deny; but the fear with which it ought to inspire us should be rather of that sort which the great Lord Chatham described as “magnanimous fear”—a fear of doing injustice—a fear lest we should not prove ourselves equal to the high duties which we have to perform—a fear accompanied by every consideration which should make us endeavour to be acquainted with the extent

of the danger, and by every precaution which should make us know how to avoid it. Now, Sir, with respect to the avoidance of the danger, different courses have been advised. I shall first refer to that which the right hon. Baronet has mentioned—the course of bare coercion; of the introduction of laws, if the present should not be found sufficient, in order to put a stop to the public meetings, and to suppress the public feeling and the declarations of public sentiment in Ireland. Sir, I think the right hon. Baronet is perfectly right in not taking the advice of irresponsible persons who are urging the Government into abrupt and premature measures of coercion. I think that the Government have acted wisely in not asking for new powers hostile to the liberty of the subject. Another course which I shall mention in passing, is, that of conceding what the multitudes in Ireland demand. We all, I believe, agree that it is impossible to take such a course. I am ready to repeat now, what I stated in the declarations I made, I think, some ten years ago, that we cannot have the Repeal of the Union without its being followed by war between the two countries. I think, that short of war—short of that dreadful extremity—one immediate consequence of closing the markets of this rich country to the produce of Ireland, or restricting its importation, would be still more to depress those who even now can scarcely obtain a fair price for the products of their industry. But I shall say nothing more on this subject; for, indeed, I believe that on this head we are all so agreed as to render any remarks unnecessary. I shall proceed, therefore, to deal with another course—that on which the Government seem to rely—the course of doing nothing at all; of proposing no measures to the Legislature—of waiting to hear what other Members have to say—of remarking that this Member made a proposal, but that there are “doubts as to its advisability”—that that Member threw out a plausible suggestion, but that “it requires consideration”—that another Member had a large plan which might be worthy discussion, but which is attended with so much danger, that “on the whole it is better not to adopt it.” That is a course which, being taken by the Government, adds much to the apprehensions I feel as to what is going on in Ireland, because it seems to

\* From a pamphlet published by Messrs. Longman.



me to argue a want of capacity, a want of energy, a want of all which the state of the times and the present disturbances require. Sir, I could well understand that this was a course advisable to be taken if any Member on either side of the House could really declare that there were no considerable grievances in Ireland—that every thing the law could do by wisdom—that every thing the Government could do by beneficence and vigour had been done for that country, and that therefore any expression of discontent is only the expression of a wanton desire of change. But, Sir, is that the state of Ireland? The evils which afflict that country are social and political: of the former class some have been referred to particularly in the course of the debate, with respect to which I wish to make a few observations. I allude to the relation between landlord and tenant, and what has been called fixity of tenure. When the question was on a previous occasion before the House, although my information was too imperfect to enable me to make any suggestion for the removal of the evil complained of, still I felt that the state of the law was such as to require amendment. I will not weaken the effect of the suggestions which have been made by various hon. Members connected with Ireland on the subjects of these particular causes of discontent to which I have alluded, by any remarks of my own in connection with that subject. Some of these suggestions struck me as worthy of adoption. They are consistent with the rights of property. There can be no reason why the present Government should not have adopted some of those suggestions, and brought forward on its responsibility some measure of improvement. It certainly cannot be said that the Government has been deterred from doing so by any violent language made use of in this debate by the representatives of Ireland; for never have I witnessed in this House speeches characterised by a more temperate spirit, or suggestions that were more moderate or practical. From their tone and temper it was demonstrated that these topics were not taken up as themes of complaint, but adduced with a view to redress grievances which press hardly upon the people. I will not attempt to weaken the force of these suggestions; but I trust they will have the proper effect upon the minds of hon. Gentlemen opposite. I will now

come to topics of a political nature. I have on a former occasion expressed my opinion with respect to the treatment which Ireland has received from this country. I am more and more convinced of the justice of my views on that subject. I still maintain that we ought to deal with Ireland as we deal with England. The rule ought to be a perfect equality of privileges between the two countries. I see no reason why the Queen's subjects in Ireland should not enjoy the same benefits of the free constitution of this country which we do in England. With respect to many of these privileges, with regard to personal liberty and the rights conferred by the Habeas Corpus Act, I must say, in spite of the language which has been addressed to the people of that country, that Irishmen have the full enjoyment of those rights. With respect to those rights, the citizens of France and Spain have not equal securities with the Irish people; but, I will ask, have they the rights of the people of England? I say certainly not. They have not the rights of political franchise which we enjoy in this country. I consider the mode in which the First Lord of the Treasury and the Secretary of State for the Home Department have dealt with this question amounts to mere quibbling. Is it not true that the counties of Yorkshire and Lincolnshire contain nearly as many registered electors as exist in the whole of Ireland? If you say that a right of voting for a freehold in fee would not be an advantage to Ireland, I say you have recourse to a quibble. The Irish possess no such franchise. The plain meaning of equality is, that where one kind of tenure does not afford a basis for a right of voting equal to both countries, some equivalent franchise should be granted. The noble Lord said, if such was the case, I was to blame, inasmuch as I was a party to the Reform Bill, which settled the question of the franchise. Before proposing that franchise, I took every opportunity of ascertaining the opinion of Irishmen. I consulted Mr. O'Connell on the occasion, and asked him to tell me what franchise would place Ireland on the same footing with England. I stated to the noble Lord what that opinion was. I then left the question in the hands of those Members of the Government who had charge of the Irish Reform Bill. But this I must say, that Lord Duncannon understood the words which conferred the

county franchise differently from the mode in which the majority of the Irish judges have since interpreted them. I have no doubt the judges may have given a strictly legal interpretation of that franchise; but I contend, if it is the case that some of those who were parties to the Reform Bill did not understand the words introduced in the bill to have the legal meaning which they were afterwards ascertained to have, and if it is found by practice that the franchise is restricted to such an extent that the county voters in Ireland will be reduced in a few years to a very small body, I say that is a reason for reconsidering the whole question of the franchise, and making it in reality equal. We are told, indeed, that it is not now the intention of Government to introduce a bill on this subject. I cannot see why, instead of interrupting the discussion on the Irish Poor-law, if that bill was necessary for the formation of a measure on this subject, we did not go through the committee on those points on which there was a general agreement in the House; and then Government might have proceeded to introduce their liberal and extensive plan. Or, indeed, when the House was generally agreed, as I think they were on the main provisions of the Poor-law Bill, without going into committee, if you had introduced a bill establishing a large and liberal franchise in the counties of Ireland, that would have afforded a reason for putting some degree of confidence in your intentions towards Ireland. The right hon. Gentleman used a very extraordinary phrase on this subject. It was this—that if Ministers had a majority, an overpowering majority, and if they had not used it for the purpose of passing the Irish Registration Bill of the noble Lord, whom I see opposite, it was a clear proof that they had refused to use this powerful majority as a means of committing injustice against the people of Ireland. No doubt, extremely kind and forbearing! But when they introduced that measure as an opposition, and without an extended franchise, did they then mean to commit an injustice? My right hon. Friend, the Member for Edinburgh, is much blamed for having introduced party into this question; but really I am met in some of these questions by the necessity of alluding to the conduct of those now in office, when they were in opposition, and I am obliged to come to the conclusion that they did as

an opposition—not feeling the responsibilities of Government, and not feeling what my right hon. Friend so well alluded to as the responsibilities of opposition—that they then intended to commit injustice against the people of Ireland; or else I am forced to this other conclusion, that they introduced the bill merely as a party manoeuvre, in the hopes of acquiring votes in a nearly balanced House of Commons. I say, therefore, on the admission of the Prime Minister, that with respect to the franchise, the two countries are not on a footing of equality. I do not think that what is to be done would require very long time; ten days or a fortnight would be sufficient to prepare a bill which would effect this object. With respect to the municipal franchise, it has been well remarked, that if you had placed the question entirely on the ground that you thought this the most convenient franchise for the towns of Ireland—that franchise in itself would not have been considered so offensive; but you especially refused that franchise, because the bill applied to Ireland. You agreed to a popular franchise for England and Scotland; but you denied it to Ireland. Could it then be expected that the people should not be excited? They are said by hon. Gentlemen to be of a sensitive character, and easily excited; and does it not then become you to do something to soothe their sensibility by attending to their claims for an equality of the franchise. Passing now from the question of political rights, I will proceed to notice some other matters which have been urged in these debates, and particularly with respect to the Church of Ireland. I am happy to have an opportunity to explain my opinion on this subject, which has been misunderstood by the right hon. Gentleman, and not only by him but other hon. Members. I do not blame them for misapprehending my argument on this subject; for what I said was introduced incidentally, when I did not intend to address the House, and my argument was not sufficiently full to free the matter from obscurity. It will be recollected, perhaps, that I was applying myself to an argument of Mr. O'Connell, which had been repeatedly used in the House and in the country. He said, that in England you have a church of the majority: in Scotland you have a church of the majority; while in Ireland you have



a church of the minority. My argument was, that if you followed out this argument to its legitimate consequences, the necessary result must be, that you must establish the Catholic Church in Ireland, as that is the church of the majority. I proceeded to argue as a friend to an Established Church, that there were many reasons, and these amongst others, for supporting an Established Church. An Established Church is intended to promote religion and morality, and also to promote those minor purposes of order and regularity, which it is one of the duties of Government to promote. I said, that this is found to be the case with the Established Church in England; it is the case with the Established Church in Scotland; but with the Established Church in Ireland it cannot be the case. The same general principle applied to the Protestant Church of Ireland, shows that it is a complete anomaly. My argument was this, that the Established Church of Ireland ought to act beneficially on the hearts, minds, and affections of the people, inspiring greater reverence for God, and good-will to man. If the Established Church be the church of a small minority only—one-tenth, or one-seventh, or one-sixth—how can it have those effects on the minds of the country? The right hon. Gentleman, the recorder of Dublin said, that the doctrines of the Church to which he belongs are sound. That may be a topic of congratulation for the right hon. Gentleman and those who belong to the Church, but it will not be any satisfaction to those statesmen who look to the Government of the country, and wish to govern it in peace and tranquillity, to find that the Established Church has no useful operation on the minds of six-sevenths of the people. It can be no satisfaction to the Government to find that the Church makes no impression on the minds of the people. I ask the House, can this be right? What then is to be done? In comparing the state of Ireland to that of Scotland, I find, that on the accession of King William 3rd, Scotland was disturbed pretty much as Ireland now is, several districts were in a state of great agitation, and a plot was formed against his Government; one of the first things he did was to establish the Presbyterian religion as the religion of the State, and abolish episcopacy. The number of Episcopalians in Scotland comprised but a very small

portion of the richest and highest rank in that country—the general body of the community—the learned and the noble as well as the poor and middle classes belonging to the Presbyterian religion. If you were to follow the same course in Ireland as had been followed in Scotland, and establish the Roman Catholic religion as the sole religion of the State, you would not find the case to be similar; you would find that the great portion of those who possessed property in the country, and some 800,000 or 900,000 of the people, and a large proportion of the members of the law profession, the merchants, and other influential classes, would belong to what would then be a dissenting sect. That would not then be doing as you had done in Scotland, and the institution as an Established Church would still be defective. I should say, then, that we ought not to subvert the Protestant Established Church in Ireland, but that the Roman Catholic Church, with its bishops and clergy, should be placed by the State on a footing of equality with that Church. I take the term which had been already employed—the term equality. This is my principle. I am not now called upon to propose a plan, because, standing in the position I do, it would not be my place to do so; but any plan I should propose would be to follow out that principle of equality with all its consequences. Then, with respect to practical measures, no practical measure could be adopted by a Government on this subject more than upon any other without first consulting the parties most interested in the intended change. When I was in Government, and had in view what changes it might be right to propose on this subject, I asked my noble Friend, Lord Normanby, to ascertain what were the sentiments of the Roman Catholic prelates as to the payment of the Roman Catholic clergy by the State; and my noble Friend having made the inquiry, reported that their opinion was averse to that proposition. I state this to show that the subject had not escaped my attention, and to show also the difficulty of carrying such a plan into effect. The object could not be effected by proposing any concordat with the court of Rome, or any law in this country which should bind and fetter the freedom of the Roman Catholic prelates and clergy. On this, as on all other subjects, we must consider the feelings and respect the

scruples of the people—we must weigh well their objections, and anxiously endeavour to secure their affections by convincing them that the object of the Government was the same as ought to be theirs—the uniting all the three kingdoms in one common bond, in which there should be no superiority, and in which all should enjoy the benefits of the constitution. I do not know that I can use any expressions which could convey my meaning on this subject so good as those which were once employed by Mr. Fox, in one of his many admirable speeches in reference to Ireland. Mr. Fox said,—

“The Protestant ascendancy has been compared to a garrison in Ireland; it is not in our power to add to the strength of this garrison, but I would make the besiegers themselves part of the garrison.”\*

And that I maintain was, and is the true line of policy. Then there remains another question on which the Members of the Administration who have spoken have made their defence,—namely, the general administration and distribution of patronage in Ireland. I must confess that if they persuaded me that as a party, they could not do otherwise, and that having to choose from amongst their friends they had chosen those persons most fitted for the office to which they had been appointed, though they might make that a sufficient defence of their own personal conduct, they would convince me the more that they were unable to carry on satisfactorily the Government of Ireland. If they had made three or four unsatisfactory appointments by mistake, or through carelessness, something better might be expected for the future; but when they said, this is our system, and defended their acts on party grounds, it was evident they could only resort to a small minority of the Irish people from whom to select to fill the Government offices, and I know nothing more calculated than this to give offence to the majority of the people. The right hon. Member for Dublin University had asked, was anything so absurd as to suppose that if Sir M. O’Loghlin had been alive, the present Government would have appointed him to a judicial situation? I say why not? The right hon. Gentleman at the head of the

Government four years ago made the singular admission that Ireland was his difficulty. If, then, he foresaw the magnitude of the difficulty, why did he not adopt a remedy of equal magnitude? This is a case in which that right hon. Baronet, if he wished to govern Ireland well, should have looked beyond mere party connexions and have fixed upon some man or men in whom the people of that country would have felt confidence. An instance might be taken from a still more extraordinary time—when Cromwell found this kingdom under his rule. He sent for Mr. Hale, afterwards Sir Matthew Hale, to take office; but the objection of that lawyer was not merely that he was of another party, but he objected to the lawfulness of Cromwell’s authority. What did that great man say? That it was no reason whatever why he should not appoint him. He must, he said, govern England either by the red gowns or the red coats, and he preferred the former. He therefore sent Mr. Hale to go forth and administer justice impartially to the people of England. The present case is not so very different. Either you must govern by the ordinary means of justice, or you would be obliged to govern by force. Indeed, I am tempted to ask by what means is Ireland governed now? By what means is tranquillity maintained there, if it is not by the declaration of the popular leader, that he wishes for tranquillity, and by the presence there of the great military force that has been introduced? Is it intended to govern Ireland by the permanent presence of a large garrison there, the Government in the mean time hesitating what measures to adopt, saying they do not see their way to anything beneficial, but that in the mean while they will put down resistance if it take place; and resting satisfied, though without the support and affections of the people whom it is proposed to govern? We cannot disguise from ourselves that the party of the Repealers has been gaining ground within the last three months—nay, within the last three weeks. Every day some new person, either a country gentleman or a member of the middle orders of society, is to be found joining its ranks—in the first place, from despair of any thing being proposed by the Government, and next from disgust at the coarse means and inefficient measures hitherto adopted to resist the agitation; in dismissing magistrates who ought never

\* Fox’s Speeches, May 14, 1805.



to have been dismissed; introducing in a most unfit manner the name of her Majesty into your declaration to resist Repeal of the Union, and thereby giving great advantages to those who were promoting the repeal agitation; marching troops about in a way which, to use the expression of an hon. Friend of his lately come from Ireland, made the Government ridiculous. All these things show that there are not any large or great measures of legislative or executive government in contemplation and also exhibits that kind of weakness and vacillation which induces many to desert a cause, in supporting which such errors are shown. In the course which I propose I am not proposing any thing different from what has been done at different periods of our history. In 1782, when the volunteers were in arms, and the peace of Ireland was threatened, and when those who prided themselves on their firmness and resolution were for having them put down before measures of conciliation were adopted, Mr. Fox brought to this House a message from the Crown recommending that there should be such a final adjustment of the matters in dispute as should give mutual satisfaction to the people of both countries.\* The settlement proposed gave up many points to which the Government had hitherto been accustomed inflexibly to adhere. When by the corruption of the Irish Parliament that settlement was perverted the Union was carried; but unfortunately omitting the concession of civil rights to the Roman Catholics, A few years after, the people of Ireland again showed themselves in a state of discontent, not in arms, but in such a manner as to disturb the relations of society. What was done then? Why emancipation was granted, and at the same time the Catholic Association was put down. At that time the Duke of Wellington made a speech which would be remembered by future generations. He said, that much of his life as had been spent in war, he would rather sacrifice that life than see one month of civil war in any country with which he was con-

nected. To that sentiment of a great man he added the reflection of a wise one. He remarked, that when the rebellion broke out in Ireland, both Houses of Parliament offered and gave their full aid to the Government to put it down; but the first act of Mr. Pitt, after it was put down, was to declare his wish to make concessions to the Roman Catholics of Ireland. With that brevity which distinguishes all the political declarations of the Duke of Wellington, he went no further than that statement—leaving others to draw the moral, which was, that, notwithstanding the victory which this powerful country must obtain in such a struggle, after all the desolation of civil war, and those miseries which he declared he would give his life to prevent, your best course, after all, was to make those concessions which, if made in the first instance, might have prevented so lamentable a result. That was the warning which the Duke of Wellington deduced from the conduct of Mr. Pitt. If I might be permitted to offer my humble opinion on the acts of so great a man, I would say that his proposal of that day placed a still more immortal wreath on his brow than did the victory of Waterloo itself. I ask the Government then, to look at these two examples. It is not beneath the dignity of the right hon. Gentleman to follow in the steps of one of the greatest statesmen and one of the greatest warriors who ever lived in this country, or to refuse to do what Mr. Fox did in 1782, and the Duke of Wellington did in 1829. I cannot think it necessary for the right hon. Baronet now to be more stern, more dignified, or more full of pride than were then those two great men. See the wisdom of entering on a course of conciliation. If you have not any measure which is like the measures of those days, the instant granting of which would produce peace, yet there is a series of measures, but measures that must be accompanied by the administration in Ireland of men who belong to the people of Ireland, and having acted with the people of Ireland, that would attain that desirable end. But when they see persons promoted who are to be the instruments of your measures who have within these four or five years, accused the Roman Catholics of violating their oaths—who have denounced the system of national education, of which you are yourselves the patrons—don't wonder that they have no confidence in

\* "G. R. His Majesty being concerned to find that discontents and jealousies are prevailing among his loyal subjects in Ireland, upon matters of great weight and importance, earnestly recommends to this House to take the same into their most serious consideration, in order to such a final adjustment as may give a mutual satisfaction to both kingdoms."

you. I hope the House will not think I am unduly going into what may be represented as party feeling; but it is a matter much affecting your decision on this great subject, and your future course of government. The people of Ireland have seen as the people of England have seen, during the last four or five years, a contest carried on upon religious grounds, in which offence against the Roman Catholic religion and abuse of Roman Catholics admitted into office formed great part of the weapons that were used in that warfare. And don't think that when they see that those who in that savage encounter raised the loudest warwhoop, and those who in that conflict steeped their arrows in the deadliest poison—when they see the instigators and chiefs of such barbarous warfare the great supporters and instruments of your government—do not wonder if, from such hands, the people of Ireland are not quite ready to accept, with perfect confidence, the boons that are offered them. It is for this House, as the right hon. Baronet has said, to decide upon the immediate question of this debate; but let him not believe that by merely putting the Ministerial question—“Have you still confidence in the Government?”—and thereby bringing those who may still have some doubts as to the wisdom of his career to swell his ranks and produce a majority; let him not think that such a decision will end this question. The arguments of the Government, the temper of the Government, the fear with which, I must say, the Secretary of State for the Home Department spoke on this question—not what Lord Chatham called a magnanimous fear, but what I should rather call a craven fear—must make the people of this country reflect on their present position. They must, they will be forced to take into consideration the state of Ireland in relation to the present position of this country. Who knows with regard to our foreign affairs, how soon we may see the attempt of Louis 14th and of Napoleon Buonaparte to place a member of the French dynasty on the throne of Spain renewed? We are on the best terms, I trust, with the United States of America. I heartily hope that we may be enabled to enter into still more intimate commercial relations with that vast republic, as a great many of her leading men seem also to desire; but there, again, I see that Irish Repealers are

proposing to disquiet your frontiers in Canada in order to weaken your strength in Ireland. These things must be considered by the people of this country; and if they ponder on them, as I believe they will, I think they will come to the conclusion that if you are—I will not say conciliating—I will not say beneficent—but if you are just to Ireland, you will be invincible; if you hesitate, you will be in the utmost peril; if you are unjust, the fatal consequences of all injustice will rightly fall upon your heads.

The House then divided, on the question that the debate be now adjourned, which was moved by Mr. Sergeant Murphy: Ayes 82; Noes 216; Majority 134.

#### List of the AYES.

Aglionby, H. A.	Hill, Lord M.
Archbold, R.	Hindley, C.
Armstrong, Sir A.	Holland, R.
Barnard, E. G.	Howard, P. H.
Barron, Sir H. W.	Hume, J.
Blake, M. J.	Johnson, Gen.
Blewitt, R. J.	Milnes, R. M.
Bowring, Dr.	Muntz, G. F.
Brotherton, J.	Napier, Sir C.
Browne, hon. W.	O'Brien, W. S.
Buller, C.	O'Connell, M. J.
Carew, hon. R. S.	O'Ferrall, R. M.
Chapman, B.	Ogle, S. C. H.
Clements, Visct.	Palmerston, Visct.
Cobden, R.	Parker, J.
Collett, J.	Pechell, Capt.
Collins, W.	Pigot, rt. hon. D.
Corbally, M. E.	Plumridge, Capt.
Crawford, W. S.	Power, J.
Curteis, H. B.	Protheroe, E.
Dennistoun, J.	Ricardo, J. L.
D'Eyncourt, rt. hon. C.T.	Roche, Sir D.
Duff, J.	Roche, E. B.
Duke, Sir J.	Ross, D. R.
Duncan, Visct.	Russell, Lord J.
Duncan, G.	Scholefield, J.
Dundas, Adm.	Stuart, W. V.
Dundas, D.	Thorneley, T.
Ebrington, Visct.	Towneley, J.
Elphinstone, H.	Trelawny, J. S.
Esmonde, Sir T.	Wallace, R.
Ewart, W.	Ward, H. G.
Fielden, J.	Watson, W. H.
Ferguson, Sir R. A.	Wawn, J. Twizell.
Fitzroy, Lord C.	Williams, W.
Gibson, T. M.	Wood, B.
Gisborne, T.	Worsley, Lord
Gore, hon. R.	Wyse, T.
Granger, T. C.	Yorke, H. R.
Hall, Sir B.	
Hastie, A.	
Hatton, Capt. V.	
Hawes, B.	

#### TELLERS.

Murphy, F. S.  
Duncombe, T.

#### List of the NOES.

Ackers, J. Acland, Sir T. D.



A'Court, Capt.  
 Adare, Visct.  
 Adderley, C. B.  
 Ainsworth, P.  
 Alford, Visct.  
 Allix, J. P.  
 Antrobus, E.  
 Arbuthnot, hon. H.  
 Archdall, Capt. M.  
 Astell, W.  
 Bailey, J.  
 Bailey, J., jun.  
 Baillie, Col.  
 Baldwin, B.  
 Baring, hon. W. B.  
 Beckett, W.  
 Beresford, Major  
 Berkeley, hon. C.  
 Bernard, Visct.  
 Blackburne, J. I.  
 Blackstone, W. S.  
 Blakemore, R.  
 Bodkin, W. H.  
 Boldero, H. G.  
 Borthwick, P.  
 Botfield, B.  
 Boyd, J.  
 Bramston, T. W.  
 Broadley, H.  
 Broadwood, H.  
 Brooke, Sir A. B.  
 Brownrigg, J. S.  
 Bruce, Lord E.  
 Buck, L. W.  
 Buckley, E.  
 Buller, Sir J. Y.  
 Bunbury, T.  
 Burroughes, H. N.  
 Chetwode, Sir J.  
 Cholmondeley, hon. H.  
 Clayton, R. R.  
 Clerk, Sir G.  
 Clive, Visct.  
 Clive, E. B.  
 Codrington, Sir W.  
 Collett, W. R.  
 Compton, H. C.  
 Corry, rt. hon. H.  
 Courtenay, Lord  
 Craig, W. G.  
 Cripps, W.  
 Dalrymple, Capt.  
 Damer, hon. Col.  
 Darby, G.  
 Dawnay, hon. W. H.  
 Denison, E. B.  
 Dodd, G.  
 Douglas, Sir C. E.  
 Dowdeswell, W.  
 Duncombe, hon. O.  
 East, J. B.  
 Easthope, Sir J.  
 Eaton, R. J.  
 Eliot, Lord  
 Escott, B.  
 Estcourt, T. G. B.  
 Farnham, E. B.

Feilden, W.  
 Ferrand, W. B.  
 Filmer, Sir E.  
 Flower, Sir J.  
 Follett, Sir W. W.  
 Forster, M.  
 Fox, S. L.  
 Gaskell, J. Milnes  
 Gladstone, rt. hn. W. E.  
 Gladstone, Capt.  
 Godson, R.  
 Gordon, hon. Capt.  
 Gore, W. R. O.  
 Goulburn, rt. hon. H.  
 Graham, rt. hn. Sir J.  
 Granby, Marq. of  
 Greenall, P.  
 Greene, T.  
 Grey, rt. hn. Sir G.  
 Grimston, Visct.  
 Grogan, E.  
 Hale, R. B.  
 Halford, H.  
 Hallyburton, Ld. J. F. G.  
 Hamilton, J. H.  
 Hamilton, G. A.  
 Hamilton, Lord C.  
 Hampden, R.  
 Hardinge, rt. hn. Sir H.  
 Hayes, Sir E.  
 Heneage, G. H. W.  
 Henley, J. W.  
 Hepburn, Sir T. B.  
 Herbert, hon. S.  
 Hervey, Lord A.  
 Hinde, J. H.  
 Hodgson, F.  
 Hodgson, R.  
 Holmes, hon. W. A. C.  
 Hope, G. W.  
 Hornby, J.  
 Horsman, E.  
 Howard, hon. C. W. G.  
 Howard, hon. J. K.  
 Howard, hon. H.  
 Howick, Visct.  
 Hughes, W. B.  
 Jermyn, Earl  
 Jocelyn, Visct.  
 Jones, Capt.  
 Kelly, F. R.  
 Kemble, H.  
 Knatchbull, rt. hn. Sir E.  
 Labouchere, rt. hn. H.  
 Lawson, A.  
 Lefroy, A.  
 Lennox, Lord A.  
 Leveson, Lord  
 Lincoln, Earl of  
 Lockhart, W.  
 Lowther, J. H.  
 Lowther, hon. Col.  
 Lygon, hon. Gen.  
 McGeachy, F. A.  
 Mangles, R. D.  
 March, Earl of  
 Marsham, Visct.

Martin, C. W.  
 Maxwell, hon. J. P.  
 Meynell, Capt.  
 Miles, P. W. S.  
 Mitchell, T. A.  
 Mordaunt, Sir J.  
 Morgan, O.  
 Morris, D.  
 Morison, Gen.  
 Murray, C. R. S.  
 Neville, R.  
 Newdigate, C. N.  
 Newry, Visct.  
 Nicholl, rt. hon. J.  
 Norreys, Lord  
 O'Brien, A. S.  
 Owen, Sir J.  
 Packe, C. W.  
 Paget, Lord W.  
 Pakington, J. S.  
 Palmer, R.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, J.  
 Phillips, G. R.  
 Polhill, F.  
 Pollington, Visct.  
 Pollock, Sir F.  
 Ponsonby, hn. C. F. A. C.  
 Praed, W. T.  
 Pringle, A.  
 Pryse, P.  
 Reid, Sir J. R.  
 Repton, G. W. J.  
 Rice, E. R.  
 Richards, R.  
 Rolleston, Col.  
 Rose, rt. hon. Sir G.  
 Round, J.  
 Rushbrooke, Col.  
 Russell, C.  
 Russell, J. D. W.

Scarlett, hon. R. C.  
 Scott, hon. F.  
 Scrope, G. P.  
 Sheppard, T.  
 Shirley, E. J.  
 Sibthorp, Col. 1  
 Smith, A.  
 Smith, rt. hn. T. B. C.  
 Somerset, Lord G.  
 Spry, Sir S. T.  
 Stanley, Lord  
 Stewart, J.  
 Stuart, H.  
 Sturt, H. C.  
 Sutton, hon. H. M.  
 Talbot, C. R. M.  
 Taylor, E.  
 Tennent, J. E.  
 Thesiger, F.  
 Thompson, Mr. Ald.  
 Thornhill, G.  
 Tollemache, J.  
 Tomline, G.  
 Trench, Sir F. W.  
 Trollope, Sir J.  
 Trotter, J.  
 Turner, E.  
 Vesey, hon. T.  
 Vivian, J. E.  
 Whitmore, T.  
 Wilbraham, hon. R. B.  
 Williams, T. P.  
 Wilshire, W.  
 Wodehouse, E.  
 Wood, Col.  
 Wortley, hon. J. S.  
 Wortley, hon. J. S.  
 Yorke, hon. E. T.

TELLERS.  
 Baring, H.  
 Young, J.

On the question being again proposed, and the opposition to bringing the debate to a conclusion being again manifested, the debate was adjourned.

House adjourned at Three o'clock.

## HOUSE OF LORDS,

Wednesday, July 12, 1843.

MINUTES. *BILLS. Public.*—Received the Royal Assent.—Wheat, etc., (Canada); Pound-breach and Rescue; Chelsea Hospital; Grand Jury Presentments (Ireland). *Private.*—Reported.—Edinburgh Water. 5<sup>th</sup> and passed:—Walton-on-the-Hill Rectory; Monkland and Kirkintilloch Railway. Received the Royal Assent.—Maryport and Carlisle Railway; Neath Harbour (No. 2); Aberdeen Harbour; Hull Water Works; Lord Gray's Estate; Eglwys-rhos Inclosure; Townshend Peccage; Todhunter's Divorce.

## HOUSE OF COMMONS,

Wednesday, July 12, 1843.

MINUTES.] *BILLS. Public.*—1<sup>st</sup>. Apprehension of Offenders (France); Apprehension of Offenders (America); Holyrood Park,

2<sup>d</sup>. Municipal Corporations (No. 2).

*Reported*.—Hackney and Stage Carriages; Gorbals Police *Private*.—McCulloh's Estate.

**PETITIONS PRESENTED.** By Mr. Gisborne, from Nottingham, Doncaster, Gloucester, and Winchester, against the Coroners Bill; and by Viscount Sandon, from Liverpool, to the same effect.—By Mr. Hawes, from the Landowners of New Zealand, against the introduction of Convicts into that Colony.—By Mr. Banks, from Dorsetshire, against the Repeal of the Corn Laws.—From Halifax, Frome, Selwood, Winchcomb, and Godalming, in favour of the County Courts Bill.—From Lambeth, for hastening the removal from thence of the Fire Work Manufactories.

STATE OF IRELAND — ADJOURNED DEBATE (FIFTH DAY).] Mr. Sergeant *Murphy*, in resuming the debate, congratulated the House on the tone and temper which had been observed during the progress of this debate, and assured the House of his desire to promote and maintain the feeling which prevailed. He would not go at large into the subject of the admitted grievances of Ireland. There was one circumstance admitted on all hands, and that was, that viewing the social position of Ireland, united as that country was with England, the most prosperous and the most powerful kingdom of the world, she did suffer under great and heavy grievances; and the only point now to be decided, was, what was the remedy which was to be applied. The noble Lord the Secretary for Ireland had admitted, as he said with sorrow, that the grievances of Ireland were of a serious character. It behoved the Government, then, to look for a remedy to apply to them. The noble Lord had admitted the grievances; but he said—"Give us a remedy and we will adopt it." He, for his own part, maintained that it was the duty of Government to suggest the remedy. He denied that such duty devolved upon the Opposition; for the principle of a responsible Government was this, that where such grievances existed, it was the duty of the Government to discover and apply a remedy, and not to turn to those who pointed out the grievances, and say, "We will not apply a remedy, because you do not tell us what remedy should be applied." He asked whether there was no example of the sort of remedy which was wanted in Ireland? Could not her Majesty's Government, within the compass of the last six or seven years, find an example to satisfy them of the nature of the remedy to be applied? Let them look to the state of Ireland during the administration of the Marquess of Normanby. It was very well for the

hon. Member for Belfast, when he admitted that there was, during that time, peace in Ireland, to tell the House that that merely arose from the judicial appointments and promotions of political partisans. He ventured to tell the right hon. Baronet at the head of the Government, that even if that were the source from which it had arisen—if peace and prosperity followed from its adoption, he ought to take the same course. The noble Lord (Lord Elliot) had also said, when another example, derived from the experience of the Government itself, had been referred to—he meant the case of Canada—that that was no parallel. He admitted that Ireland was not a parallel case with Canada. It was true, inasmuch as there had been no rebellion in Ireland that there had been no tumultuary or armed outbreak on the part of the people of Ireland—there had been no commission of sanguinary outrages against the Queen's loyal subjects, and there had been no necessity to assemble a large army to put down rebellion. But, in that country, after a rebellion had broken out, and after its suppression, those very principles in support of which the insurrectionary movement was made were admitted. So strong was the impression on the mind of the late lamented individual to whom the government of the colony had been intrusted as to the propriety of removing those strong grounds of discontent, that, without waiting for instructions, upon his own responsibility he did away with the objectionable system of governing the majority by the minority, and did away with the family compact, and thus got rid of this most objectionable mode of government. Such was the policy adopted by Sir Charles Bagot in Canada, and such was the policy which should be adopted in Ireland if they desired peace, and to put down these vast assemblages which were of daily occurrence. He repeated, if peace was their object in Ireland, why not do the same in Ireland? for be it remembered that that was not a policy which had only been urged by enemies, but it originated with your own party. The noble Lord the Secretary for Ireland had drawn a contrast between the conduct of the Catholic clergy in 1830 and 1834, and the part which they took in the agitation of the present day, but he begged to remind the House, that in 1830 the Emancipation act had been



only just past, and that the Catholics did not believe it to be intended to be no more than a mere verbal compact—but, that from that time all civil distinctions between Catholics and Protestants would be at once abolished. It was now admitted by all parties that emancipation was not a concession, but a right; yet the Catholic people of Ireland were at that time inclined to take it as a boon. In 1834 what was the state of things? There was a Government at that time in accordance with the political views of the Irish people. But that Government, instead of governing them upon the principle of good feeling, tried coercion. That Government failed in its attempt at coercion. The opposition of the Irish people to that coercion was such, that it was deemed necessary to make an authoritative declaration from the Crown that the grievances of Ireland should be considered with a view to their removal. When this was commenced, and when a different course was pursued, could it be denied that peace and tranquillity was restored to Ireland? What was the state of things when the present Government came into power? There was peace in Ireland. The right hon. Baronet said, that Ireland was his great difficulty. The right hon. Baronet asked for time to mature his measures with reference to both England and Ireland. The people of Ireland had given him time to mature his measures; there was a perfect lull in that country. There was a general belief that whatever might be the complexion of the Government, they must govern in accordance with the feelings of the majority of the Irish nation. The right hon. Gentleman last night read to the House a very remarkable letter written by himself to the Lord-lieutenant, and embodying his opinion and recommendation as to the distribution of the patronage of the Irish Church. How had the distribution of the ecclesiastical patronage in Ireland, since the present Government came into office, been in conformity with that letter? Could any one lay his finger on any appointment in connection with the Church since that letter was written, and say, that the spirit of it had been acted on. Could it be said, that the principle which the right hon. Gentleman had laid down had been acted on in the appointment of the well-known Dr. Daly, whom he had seen in Exeter Hall haranguing

a large assembly, composed chiefly of young females, in terms most calumnious of the religion professed by the great majority of his countrymen. Was it fitting that a dignified clergyman should seek such an arena to excite the minds of a large number of young English people against their fellow subjects in Ireland. The right hon. Gentleman said, that he had adhered with good faith to the national education system in Ireland. If this was the case, and if the right hon. Baronet was, as he had stated, the friend of the Protestant clergy, he should like to know how he could please them, for he had the declaration of most of the clergy, and above all, of those recently raised to the episcopal bench, against the national system of education; nothing therefore, could displease them so much as the support of that system by the right hon. Baronet. Even if the right hon. Baronet had supported the education system, he had sought amongst the clergy for the most ardent and zealous opponents of that system, and had promoted them to the episcopal bench. In speaking of the Established Church of England in Ireland, he had no wish to speak in a spirit of animosity; but he spoke of it merely in its connection with the state. The hon. Member for Newcastle-under-Lyme (Mr. Colquhoun) said, that the Catholic clergy in Ireland at the present time possessed a revenue of, as nearly as possible, 600,000*l.* a-year: and that the revenue of the Protestant church did not exceed 500,000*l.* Supposing, observed the hon. Member, that you transferred the proportionate share of the revenue of the Protestant church to the Catholic clergy, would the latter be satisfied with taking seventy-five per cent. in comparison with what they now receive? It was not a question as to the amount that would be received by the Catholic clergy, for they repudiated the reception of any such boon from the Government. But what was the inference to be drawn from the circumstance, that while under the voluntary system, the poor Catholics of Ireland paid 600,000*l.* a-year to their own clergy, they were made to pay 500,000*l.* to the clergy of a very small portion of the people? He never would say, that the Protestants should not have a fair means of supporting their religion. He had, however, the fairest example in his own religion,

that money was not that which would sustain it. It might be very well for the right hon. the Recorder of Dublin to complain that the revenues of the church had been so dealt with and so reduced, that fathers no longer thought it fit to educate their sons for the Church. He had, never, until then, heard an attempt made to justify the keeping up the Church for the sake of making provision for the younger branches of families; and had never, either in the Catholic or Protestant church, found any authority to admit such a doctrine. The right hon. Baronet admitted, that a grievance did exist, namely from the abuses which arose from the possession of land, and from the ejection of tenantry. It was all very well for hon. Gentlemen to say, that because we could not immediately fix upon the principle on which to proceed, that it was intended, by dealing with the tenure, to promote a system of confiscation. In some parts of Ireland at present the parties who were ejected from a farm obtained a certain return for the outlay that they had made, but in no other parts of the country. He did not see, why some general principle might not be adopted on this point which would remove a ground of complaint. The principle was recognized in the case of planting tares and other matters, and why not extend it? He had met with accounts of the sufferings undergone by those who had been ejected from their holdings, without the slightest provision being made for them, which made humanity shudder, and he had himself known the most cruel inflictions perpetrated to clear farms which had been in the possession of the same families, and handed down from sire to son for centuries. Would any one say, that this was an evil that did not require dealing with? The right hon. Baronet said, that he did not know how to deal with the question of landlord and tenant, and said, that as regarded the system of wholesale ejection, the matter must be left to the moral feeling of the landlords to get rid of the evil. He had recently met with an extract from a work lately published on Ireland, which contained a most affecting account of a circumstance which the writer describes to have occurred in the county of Meath, connected with one of these cases of ejection. A man was taken before the magistrates for having been found inhabiting with his

family a hole which he had dug in the ditch surrounding the parish church-yard, within thirty yards of the road. When called upon for his defence, he stated, that on the 8th of May, he was turned out of his cabin into the wide world, and that he could not get any place of shelter for himself, his wife, and five children, and that persons occupying cabins or houses would not take his family in for fear of giving offence to the landlord, and that after lying for nine nights in the ditches, and fearing that the children would be killed by the inclemency of the weather, he searched about, and at last found out this hole in the churchyard, which had formerly been occupied by some unfortunate person, situated as he was, and he added, "if your honours turn me out, I shall not know where to go." [An hon. Member asked, on what authority the hon. Gentleman relied?] Mrs. Hall's *Sketches of Ireland*, and Mrs. Hall stated that she was present and heard the case, and knew it to be true. This lady would not be inclined to adopt or express views opposed to those of Gentlemen opposite. Here was a striking instance of a man with his family being turned out of their dwelling, so utterly without provision that they were obliged to resort to the companionship of the dead for shelter. Was that a state of things that ought to be allowed to remain, or when an appeal was made to the Legislature, should that House be satisfied with hearing the right hon. Baronet say, that the whole matter must be left to the moral feelings of the landlords? The right hon. Baronet admitted, that the political franchise in Ireland was restricted, in a manner to be considered a grievance. In all the observations that had been made in the course of the present discussion, there was not one of all the cumulative grievances which Mr. O'Connell had laid down, and with respect to which he had recently said, that if they were removed he would give up repeal, which had not been admitted by one or other of the hon. Gentlemen who had addressed the House from the opposite benches. Hon. Gentlemen complained of the influence that the priests possessed over the Irish peasantry. To whom else were they to resort for advice and consolation when involved in trouble? They naturally resorted to the priest in the hour of difficulty and danger, as their best and only friend. Some hon. Mem-



bers had deprecated the interference of the priests in the recent agitation for Repeal. He believed, that, but for this interference, the agitation would assume a character infinitely more dangerous than at present. The priests stood between the Government and danger, and he rejoiced to see them—not at the head, for it had prevailed for a long time before they joined it—take up the subject. In doing so they never, by their conduct, appeared to forget their sacred functions as ministers of religion. As regarded the Irish Registration Bill, it was now admitted by the noble Lord (Lord Stanley) and his colleagues, that it was impossible to pass it without convulsing the country. Was this conclusion arrived at as a new light of office, or was the bill forced on as one of those envenomed arrows which were shot to displace their predecessors? He thanked the right hon. Baronet for the manliness with which he adopted and carried Catholic emancipation, but it should be remembered that two years before he brought forward that measure he was as strenuous against the admission of Catholics. Although the right hon. Baronet might refuse to lead the van in any measure for the further appropriation of the Church revenues, still he was convinced that it was impossible for the right hon. Baronet to resist the admission that the Church of Ireland was overgrown when compared with the duties she had to perform, and that it was not the best type that could be afforded for a religious establishment. The right hon. Baronet, had had some days to deliberate on the speech of his hon. Friend the Member for Limerick, and his only reply was, that he had done the best he could, and that he had endeavoured to govern in a spirit of fairness, and complained that he could not find any one Catholic who agreed with him, and to whom, therefore, he could give place. The noble Lord the Secretary for Ireland, however, had succeeded in fishing out one Catholic, certainly a most respectable man, whom he had made a stipendiary magistrate, he meant Mr. Coppinger, who was known to be a Conservative. The right hon. Gentleman and his colleagues admitted the statement of the social grievances that had been made with respect to Ireland, and the right hon. Gentleman meant to wait until the end of the chapter of accidents before he endeavoured to apply

himself to consider a remedy. What did the Government mean to do after Parliament had broken up? The right hon. Member for Dorchester said, that he relied on the support of the House. He thought that the right hon. Gentleman had no great reason to depend even on those who sat behind him. First of all, the gallant Member for Westminster had thrown in his broadside against the Irish Church, and then an hon. Member, who might be supposed to represent the modern religious, came forward in antagonism to the policy of the Government. The right hon. Gentleman did not say, upon what portion of the House he meant to rely, but he talked of all glorious England, and of the importance of keeping up this state of things. Did the Government mean to abstain from doing anything until it got rid of the badgering from that side of the House? Did they mean to invest the Lord Lieutenant and the Lord Chancellor of Ireland, with additional powers to put down agitation immediately after Parliament broke up, and then come down next year to that House and ask for a bill of indemnity? It was no answer to talk of the dismemberment of the empire, when hon. Members came forward and asked for the redress of what were admitted to be grievances. The right hon. Gentleman should at once endeavour to govern in conformity with the feelings of the people, and should rely on the good sense of the people of England. If he did this, he would find a full and satisfactory response from the Irish people, who were always so ready to forget injuries. If, at the time of the Union, the policy dictated by Mr. Pitt had been followed, what a different state of things from the present would appear! They waited, however, and postponed from year to year any measure of concession; and it was not till a wound had been indented in the hearts of the people that they gave any boon. The right hon. Gentleman, in defiance of the first principles of good government, admitted the existence of the grievances complained of, then met them by referring to the most insignificant trifles as palliatives. If frittering away principles was the perfection of debating, the speech of the right hon. Gentleman never could be surpassed. He did not find in it the slightest reference to any remedy for their admitted evils, nor was there a single scintilla to point towards

the regeneration of Ireland. Did the right hon. Gentleman mean to wait with folded arms for the agitation, which was now so formidable, to cease of itself? The Government had still the means of allaying it in their power; but if, instead of this, they would imitate him of old, who fastened the dead to the living—if they allowed this to continue, they would find that the infection would fester from one body to the other.

Lord *Bernard* was fully aware how desirable it was that the present debate should be brought to a close; and how necessary for him to make an apology for trespassing upon the time of the House. The ground upon which alone he could excuse himself, in his opinion, furnished an answer to one of the grievances put forward by hon. Gentlemen opposite, who complained of the restricted nature of the Irish franchise, whereas he came forward to throw himself upon the indulgence of the House as a Member, occupying the only seat in the hands of the Conservative party in the province of Munster. He was anxious to state the grounds upon which he should oppose the motion of the hon. Gentleman the Member for the county of Limerick, who had brought forward the motion in a speech of much ability and moderation. If the motion was simply for a Committee of the whole House, to inquire into the state of Ireland, it was impossible that at this late period of the Session it could lead to any practical result. If, on the other hand, it was a vote of censure on her Majesty's Government, he would give it his decided opposition. He gave his support to the Government, because they had declared their intention to maintain the integrity of the Established Church in Ireland. The hon. Gentleman opposite said, that grievance and discontent existed in Ireland. If the fact that life and property were insecure in Ireland, that the peace was interrupted by unprincipled agitation, and that large meetings congregated, causing fear to the peaceable inhabitants of the Crown, constituted a grievance, then a grievance certainly did exist in Ireland; but he denied that there was in other respects any national grievance existing in Ireland. The hon. Gentleman had alluded to the injuries Ireland had received from the Union; but he omitted to state the advantage from free trade in corn, and from the importation of cattle being placed on the footing of a coasting trade. He also said that there were no dockyards in Ireland; but let the

hon. Gentleman remember, that it was Lord Grey's Government that removed the flag-ship from the station of Cork. With regard to absenteeism, he asked whether that evil was not felt before the Union? Did not Mr. Flood make a motion on the subject in the Irish Parliament, proposing to tax absentees 10 per cent., who were absent from the kingdom between 1773-4? And was that not negatived by the Irish House of Commons, though, during the existence of Poyning's Law. Lord Harcourt gave the consent of the Crown to the measure. Topics of a painful nature to discuss had been introduced into the present debate. He had hoped that the claims of the Roman Catholics having been granted, they would have put aside all political quarrel, and would have met their Protestant brethren to promote the welfare of their common country. The hon. Gentlemen opposite had decreed otherwise; and it was no fault of hon. Members on the ministerial side if, when they passed the political rubicon, they did not find the Irish Conservative Members sleeping at their posts—if when they have thrown down the political gauntlet, though with a determination to discuss the question with calmness, with temperance and moderation, we do not hesitate to pick it up. The hon. Member for Waterford had made an attack on the Protestant Church in Ireland, and had drawn a picture calculated to excite bad feelings in that country. The hon. Member had described the people of Ireland as worshipping by the side of the religious edifices of their ancestors, which were in the hands of the Protestants. The hon. Member would find that this picture was not borne out by history. The Established Church of England and Ireland was the identical ancient Church of the Irish people. The conquest of Ireland was a double conquest, when Henry 2nd subdued the temporal, Adrian 4th subdued the spiritual power of Ireland; and it has been the contest for temporal power between the Roman Catholic Church and the Crown of England, which has caused the miseries of Ireland; for before 1153, there was not a suspicion of any one bishop in Ireland being in the least degree connected with the Church of Rome. He did not mean to impute anything to the hon. Gentlemen opposite, but he fearlessly declared that at the time of the passing of the Roman Catholic emancipation, it was understood that the Church Establishment of Ireland was not to be assailed. He would



quote from the work of the hon. Gentleman opposite (Mr. Wyse) on the Roman Catholic Association:—

“It (the Relief Bill) abolishes all civil disabilities on Roman Catholics, by repealing the oaths of Supremacy, Abjuration, &c., and substituting an oath of Allegiance to the Protestant succession of the House of Brunswick, binding the Catholics to defend the settlement of property as established by law, and not to injure or subvert the present Church Establishment.”

And in his work “1829. Political Catechism,” p. 47,

“Q. The Catholics are disposed to invade the temporalities of the Established Church—in favour of their own persuasion?—A. Very far from it. There are many Catholics lay improprators, and in actual possession of these temporalities. There are many also who at this moment enjoy the right of presentation to benefices. These men cannot be induced to attack Church property—it is their own property.

“Q. Are not their (the Protestants) lands secure?—A. Certainly. The Catholics swear ‘That they will defend to the utmost of their power the settlement and arrangement of property in this country, as established by the laws now in being.’ Catholics, besides, hold land themselves so generally under the same Act of Settlement, by leasehold or purchase, that any disturbance would affect them quite as much as the Protestant.

“Q. Is not their Church secure?—A. Certainly. The Catholics disclaim, disavow, and solemnly abjure any intention to subvert the present Establishment for the purpose of substituting a Catholic in its stead; and further, they swear that they will not exercise any privilege to which they are or may be entitled, to disturb or weaken the Protestant religion, and Protestant Government in Ireland.”

He would state the grounds on which he supported the Church Establishment in Ireland. He supported it not merely (strong as this consideration was) because the Church in Ireland was the Church of the majority of the people of the united empire; not merely because he believed that that House and the country were bound by the most solemn ties of national faith and honour to uphold the Church Establishment, according to the Act of Union; not merely because he believed that if the Church Establishment were destroyed in Ireland, the property of the Protestants in that country would not be worth two hours' purchase; not merely because he believed that the destruction of the Church Establishment must lead to the repeal of the Union; but because he believed that it was the duty of

a Christian, and moreover of a Protestant State, to support that religion which it felt to be true. The hon. Gentleman who had last spoken (Mr. Sergeant Murphy) had blamed the Government for having appointed bishops of the Established Church, who were unfavourable to the system of national education in Ireland. Do the Gentlemen who are not members of the Established Church wish to have a veto on the appointment of the Protestant bishops? Are men to be appointed not from their piety, learning, and devotion to their own Church, but from their adherence to a particular political measure? He (Lord Bernard) then spoke in commendation of the appointments of the Bishops of Cashel and Ossory, Bishops Daly and O'Brien, and the Dean of Cork (Dean Newman). He was not going to discuss now the question of national education in Ireland, to which system he was strongly opposed; he was simply going to take the argument as made use of by the hon. Gentleman opposite; and, if words meant anything, they plainly said, we have a system of education of which we approve; we are not satisfied with that, but we will make you (the Protestants) adopt one of which you conscientiously disapprove. Would not this be the practical effect of appointing bishops opposed to the feeling of the clergy of Ireland. A poor clergyman must either give up all hope of promotion, or accept it from a bishop opposed to his conscientious opinions. He then alluded to the objections which had been urged against the Government for their legal appointments in Ireland; commended the selection of Baron Lefroy, Judge Jackson, and Baron Pennefather; said that the quarter sessions were the poor man's court, where the cases of ejectment under 50*l.*, and those cases in which he was peculiarly interested, were tried; and that the only appointment to this court made by the Government was Mr. Coppinger, a Roman Catholic barrister. The noble Lord the Member for London, had admitted that he had offered the place of Master of the Rolls to Mr. O'Connell; and though he could not deny that he was an active politician, he justified it on the ground that he was active on the popular side. What was the court over which he was invited to preside—an equity court, where cases of property were to be tried, nine-tenths of which is in the hands of Protestants: again, in the case of the puisne judges, they had two duties to per-

form, civil and criminal; and though the majority of those whom they might have to try in one case were Roman Catholics, in the Nisi Prius Court it was exactly the reverse. Another question, which had been brought under the consideration of the House was fixity of tenure. If this proposition regarding fixity of tenure were a *bonâ fide* proposition, it was neither more nor less than an agrarian law; if it were not a *bonâ fide* proposition, it was the most wicked delusion ever practised on the people of any country. Many attacks had been made on the landlords of Ireland, but those attacks were most unjust; and he believed that the condition of the peasantry had been greatly exaggerated. These complaints against the landlords arose not on account of their conduct, but were owing to the system of the subdivision of land, and the conduct of middlemen. As to the state of the franchise in Ireland, he thought that not only numbers but property ought to be an ingredient in the representative system. With regard to the social condition of that country, he would yield to no man in the desire to see improvements effected in Ireland by the formation of railways, by the increased employment on a large scale of the population, by which the misery they at present suffered would be alleviated, and by an advance of the science of agriculture. He wished to see England and Ireland united, not by concessions, but by each endeavouring to develop the resources of the other. By these means, Ireland in turn would amply compensate this country for any outlay she might make. He was anxious to see the harbours of Ireland filled, not merely, as now, by fishing-boats, but by ships engaged in a valuable and increasing traffic. He appealed to the hon. and learned Member for the county of Cork, who was now agitating Ireland; he appealed to him by his professed love to his country, by the calamities which the present agitation (whether successful or not) must entail upon it; by the prospects which till now had been dawning on the horizon of Ireland, but which the present agitation had retarded, by his desire to be considered the father of his country—

“Si quæret PATER URBIVM

Subscribi statuis, indomitam audeat  
Refrénare licentiam”—

And then he may be what he never otherwise could be,

“Clarus postgenitis.”

He would address those who joined in

the present agitation, in the words of the great Athenian orator, who, when addressing those who were exulting over the successes of a foreign foe, and looking with satisfaction upon the anticipated calamities of their country, said,

“Infuse into these men a better spirit, inspire even their minds with purer sentiments.”

But if they still persevered, he had the satisfaction of feeling that they had at the head of affairs a Minister not inferior in ability and statesman-like qualities to that great Minister who carried the Union with Ireland, supported by a large majority in this House and the country; supported in Ireland by a body of men confined to no one religious body, included in no one political party, who would use every energy to avert from Ireland the dire calamity of a dissolution of the Legislative Union, and the consequent separation of the two countries, and were willing to sacrifice their properties, and if need be, to lay down their lives to preserve to their beloved Sovereign the Crown of Ireland.

Sir *W. Barron*, denied, that the dispute in Ireland was between Catholics and Protestants, and he denied that the system of education in Ireland was deservedly called Catholic. He and his friends found fault with the Government for appointing persons to the highest stations in the Church, who were opposed to that system of education. That was one of the just causes of complaint which had made many persons, Protestants and Catholics, oppose the Government in Ireland. The appointment of Dr. Daly was, in this sense, most impolitic. He admitted, with respect to the appointments to the bench, that it was not to be expected that the Ministry should take their judicial officers from the ranks of their opponents; but he complained that they had taken the judges and other judicial officers from the most extreme political opponents of the people. He himself had for many years stood aloof from all political associations; but within a short time he had been compelled, by the conduct of the Government, to join a Repeal association. It was the act of the ministers which had driven him to this; and several of his neighbours, gentlemen of property and respectability, had been driven to adopt the same course. He was anxious to preserve the connection between the two countries. Any attempt to separate them would be fatal to Ireland. He



had entertained that conviction for years, and he could only regret exceedingly that the course of the Government had driven him to join such an association. The majority in Parliament rendered it futile for the Irish to appeal to Parliament, and drove him and others to seek redress by other means. He put it to the House what would be their feelings if they saw the property which their ancestors had devoted to a particular Church, taken from that, and given to a minority of the people. The Catholics, at least, feel this as a stigma and an insult. They wished that at least a part of that property should be devoted to the relief of the poor. He had never heard that the Catholic clergy desired any part of that property for themselves. He complained, too, that Ireland had been unjustly taxed, and the right hon. Gentleman, the Chancellor of the Exchequer, who sneered at him, had been obliged to admit that he had done Ireland an injustice by his Spirit Duty, which the right hon. Gentleman had withdrawn. The right hon. Gentleman had promoted crimes in Ireland by the course he had taken. Latterly another grievance had been added, in the dismissal of those magistrates in whom the people could confide. He believed that upwards of fifty had been dismissed and he supposed that his turn would soon come. He cared not for the honour of the magistracy; he wished it only to be of service to his countrymen; and he regretted the dismissals he alluded to more on account of the increasing distrust it would inspire of the Government and magistracy than on any other account. It would strengthen the conviction of the people that they must not hope for justice. He, with others, complained that landlords created disturbances, by the manner in which they ejected their wretched tenantry, and cast them on the estates of their neighbours, or left them to die in the ditches. Landlords ought to be compelled to make compensation for the improvements on their estates, by those who were ejected. It often happened that men who had laid out money in improvements to the amount of two or three years' rent, were often turned out, when they were but a short time in arrear. There might be a court constituted, with the assistance of the local courts, to determine the value of the improvements; and when a jury was necessary, it might be composed of

six landlords and six tenants. The Irish complained that they were not represented sufficiently in that House. He said they should take, as the basis of their calculations, numbers and property. Let them take up these things fairly, and they would soon put down agitation, and the cry for a Repeal of the Union. The Irish were disposed to place confidence in those who treated them with kindness; but they were very sensitive on the point of religion, and those opposite insulted and outraged their feelings. The journals of the party opposite called the Catholic clergy of Ireland "surpliced ruffians!" This was most disgraceful and discreditable, and he hoped that this course would be abandoned. They complained in Ireland that a grant had been withdrawn, formerly given for the improvement of the harbours and fishery in Ireland; and yet the grant was continued in Scotland. He recommended the Ministry to take the advice of those Members, who, on the opposite side of the House, had advocated the cause of Ireland. He alluded particularly to the hon. Member for Wakefield (Mr. Lascelles). The Irish people feel deeply grateful to him, and on the part of his countrymen, he returned their thanks to him. The advice of such a man ought to be listened to by the Government; for they must know that hon. Members, as well as the hon. Member for Canterbury, were influenced by no party feelings. If Ministers did what was suggested, he for one would give up party, and cordially support the Government opposite. He said they ought to follow the example of Lord Normanby and the advice of Lord Fortescue. Let them reject Repealers, if they would; but let them do justice to the people. He begged to say, that he did not fear any outbreak in Ireland. Mr. O'Connell had too great a personal interest in the peace of the country. It was Mr. O'Connell's interest, as long as he had everything within his own domination, to keep the peace of the country. And then, as to the priests of Ireland, however Gentlemen opposite might doubt them, yet he in his conscience affirmed that there was not one of them who would lend himself to any insurrectionary outbreak in the country. Independent of these securities, and they were most valuable on the present occasion, he believed, too, that there was not one—not a single one in whom the people had confidence—who would become a leader in

any insurrectionary movement. He believed, too, that a great security was to be found in the love the Irish people bore to their Queen. There was no part of her Majesty's dominions in which she was so much beloved, as by the Irish people. He did not state this on light grounds; but he stated it from a knowledge of the people for a long series of years; and from that knowledge he affirmed that their attachment to their beloved Sovereign was extreme. These were, he conceived, securities enough to make him believe that no danger could occur in Ireland, unless some false step were taken by the Government, and irritating topics were used by them, calculated to excite outbreak. He implored the Government to follow up their professions by deeds. The people of Ireland required something more than mere words. They had real grievances, and the Government must follow up their professions, otherwise the people of Ireland would be too apt to think that their speeches were "*vox, et preterea nihil*." He implored the right hon. Gentlemen opposite to propose measures—large measures of conciliation. If they did this, they would not only preserve the peace of the country, but the people of Ireland would be found ready to lay down their lives to maintain the peace and security of the British empire.

Mr. G. Hamilton was one of the many Members who had endeavoured to find an opportunity of speaking on the preceding night—and he should have been sorry to have given a silent vote on so important a question, and the more particularly, because the opinion he entertained with regard to the state of Ireland, or rather the causes of the discontent there, differed in some respects from any opinion he had heard expressed in that House. All parties admitted that Ireland was now in a state of the most alarming excitement. In consequence of that the minds of the people of all parties, had become unsettled. They had been withdrawn from their ordinary business. The improvement of the country had been retarded. There was a feeling of insecurity amongst all classes—trade and business had become stagnant—discord had been introduced. Irishmen were arrayed against Irishmen, and distinctions, recollections, and associations revived, which all good men must wish to see consigned to oblivion. To trace the causes of this excitement, was

certainly a matter of great public importance and interest, to trace them for any useful or practical purpose; they must be examined calmly—they must be examined honestly—they must be examined fearlessly, and, as far as possible, irrespective of any party considerations. He was anxious to do this. He could sincerely declare that he preferred the interests of Ireland to any party interests—he had always felt so, he had always said so. People may differ and will differ as to what these interests really are, and the means of promoting them; but mixing much as he did in Ireland with parties whose political opinions were at variance with his own, he was not afraid to say, that however strong might be his opinions on some subjects, it was thought of him that he had the interests of his country, rather than of his party, at heart. He would add, there was no reason why he should be a partisan on this occasion. He owed nothing to her Majesty's Ministry—in his case, at least, it could not be brought against them that they had evinced any particular partiality towards one who, in connection with his lamented friend, Mr. West, as well as on other occasions, had endeavoured to render them some political service. He was glad it was so, if on the present occasion it would give to his observations a greater degree of weight than perhaps they would otherwise be entitled to. In the first place, with respect to the character of the present excitement, admitting to the fullest extent its great danger—feeling, as he did, that the present state of things in Ireland is perfectly incompatible with the maintenance of tranquillity, and indeed of the social system; and that, if it should continue, it must shortly come to this—either that it must be overpowered by law—or else that it must overpower the law. Feeling all this, he was prepared to say, however paradoxical it might appear, and however contrary to the statement of his hon. Friend the Member for Limerick, that the present excitement is a forced excitement, an unnatural excitement, rather than a deep-rooted discontent arising from the pressure of political grievances. He believed it to be created for political purposes, rather than to have emanated from the people themselves; and, as far as there is discontent, he believed it to arise from that excitement—the effect, and not the cause of that excitement—or else a



discontent connected altogether with matters of a social character, and irrespective altogether of political considerations. In speaking of that excitement, he begged to be understood as speaking of it in reference to the mass of the people, and not in reference to those who have been instrumental in occasioning it. With respect to the cause of that excitement, he believed it to have been deemed expedient to make Ireland again the arena of a political struggle between the two great parties, and that the present excitement had been fomented for that purpose. It was unnecessary for him to attribute unworthy motives to others in saying this—of course he supposed that hon. Members on the other side of the House were sincere in believing that the interests of Ireland could be promoted by their return to office—although he thought they were greatly mistaken in that opinion; and there were circumstances certainly which were favourable to the plan of making Ireland the arena for a political struggle. He was quite ready to admit, what he believed to be the fact, that the present Ministry, on their accession to power, found Ireland in a state of unusual tranquillity. It had ceased to be the purpose of Mr. O'Connell to excite the people—political excitement had accordingly subsided, and, as a necessary consequence, the condition of the people had improved. He firmly believed the people of Ireland at that time were wearied of agitation—and that the accession of an administration, which it was expected would prove a strong one, and capable of working the machine of Government efficiently, was regarded with satisfaction by the middle and upper classes of all parties. The people of Ireland, of both parties, felt, and felt strongly, that they had been used and abused for political purposes. They hoped this would be the case no more—both parties in his opinion despised equally the weakness of the late Government, but still it had happened that popular agitation had not suited the purposes of the supporters of that Government—that consequently the country had subsided into tranquillity—that the effect of this tranquillity was a rapid diminution of party feeling, an improvement in the state of the country, an improvement in the feelings of the people, a disposition to unite on neutral grounds amongst men of different parties—they were learning to

forget their party feelings, or rather, which is much better, they were learning the more difficult but more honourable task of amalgamating without a compromise of principle, and of differing without bitterness of feeling. He believed that at that period, and he would say also at the present—he could certainly speak his own sentiments, and he thought they were the sentiments of the great body whom he had the honour to represent, there was no desire whatever but to see the spirit of the Roman Catholic relief act fairly carried out. Their Roman Catholic countrymen had been relieved from all civil disabilities; there was no desire amongst Protestants to see a preference given to Protestants as respects patronage, on account of their religious opinions, but certainly they felt they had a right also to expect that the express terms and covenants of the Emancipation Act should be carried out fairly as regards the Established Church. Such was the state of things when the present Ministry came into office, and it continued so long as there appeared no signs of weakness on their part, and no hope that their tenure of office could be rendered insecure by political agitation in Ireland; but circumstances soon occurred which opened new prospects to those whom the change of Ministry had excluded from power and influence. He was quite sure her Majesty's Government meant to be perfectly fair and impartial, and to promote conciliation and concord among all parties. But he must say, they made a mistake, which, as he believed, encouraged the hopes of their political opponents. They had mistaken the feelings of the Conservative party—instead of inviting them frankly to join with them in the great work of just conciliation, they had mistrusted their generosity or their moderation. While the attitude of the Government towards their political opponents was conciliatory, as it should be, their attitude towards their friends was that of repulsion. The inference which the Conservatives came to was this, either that their honest support was embarrassing, or else that some new and objectionable concessions were in contemplation. The motive of Government, no doubt, was a good one; but this policy was a mistake. The Government by it had estranged their friends—they had strengthened their opponents, and encouraged them to hope that something might be extorted from

their weakness by clamour and agitation ; or, at least, that it might become expedient again to make Ireland the scene of a political struggle. Then came the tariff and the Income-tax, great measures no doubt, and worthy of the comprehensive mind of the Premier and the President of the Board Trade ; but still, measures necessarily calculated to weaken any Ministry ; and, in proportion as the Government became weaker, or appeared to do so, in the same proportion did the temptation become stronger to try whether Ireland might not be made again—what it had proved previously—a means of embarrassing and breaking up the Administration. This he believed to be the primary cause of the present excitement—he believed it to have been fomented for the purpose and with the design of embarrassing her Majesty's Government and placing them in a false position. It required, he thought, no great sagacity to discover this. The noble Lord the Member for Tiverton on a former occasion had, perhaps, somewhat incautiously, admitted it ; but the noble Lord could not conceal the gratification he felt at a prospect being once more opened—it is true a remote one, but still there was a prospect—of a return to office. Certainly, the noble Lord said, it was not to be this year. The engine was in too precarious a state, the steam was too much up ; it might be difficult to regulate it ; there might be danger in the attempt. But by-and-by the steam might be taken off, the safety-valve might be opened, and then, perhaps, Ireland might again have the blessing of a Whig Administration, which certainly, whatever the noble Lord might think, does not seem likely now to satisfy the aspirations of Mr. O'Connell. Additional proof might be found in the language and conduct of certain hon. Members opposite—not, indeed, of Irish Members, but of English Members, whose knowledge of Ireland was mere hearsay. Instead of allaying the excitement which they profess to deplore, they aggravate it in every possible way. They rake up all kinds of imaginary grievances—they assail the Church—they attack the landlords—they inveigh against the Government in one breath, for being actuated by political considerations, in raising to the judicial bench men whom you are pleased to designate as political partisans, but whose character, whose integrity, and whose competency you cannot

question ; and in the same breath you assail the Government with equal vehemence, for not being actuated by political considerations in the selections that have been made for the episcopal bench. He firmly believed that the Lord-lieutenant of Ireland, acting upon the instructions which the House had heard from the right hon. Baronet last night, had been influenced by no improper considerations whatever, political or otherwise—in the clerical appointments he had made ; and had no object but an anxious desire to select the individuals, whoever they might be, and whatever their opinions, whose piety, experience, and learning would be likely to render them the best fitted for the duties they were appointed to discharge. He trusted and believed that the noble Lord at the head of the Irish Government would continue to act so, uninfluenced by the denunciations of hon. Gentlemen opposite, and that he would never suffer Church patronage to be made subservient to any political purposes whatever. Many hon. Members, and some, he was sorry to say, on his own side of the House, had attributed the excitement to the Established Church. After what had been said by the right hon. Baronet and other Members last night, especially by his noble Friend the Member for Lynn, on the preceding night, it was scarcely necessary for him to add anything on the present occasion ; but he could not help remarking that, laying aside all considerations connected with the national faith and national honour—laying aside all considerations connected with the inviolability of national compacts, solemnly made at the time of the Union, and renewed at the time of Roman Catholic Emancipation—laying aside all considerations connected with the homage which is due to religious truth—to that which is acknowledged to be religious truth by this Protestant kingdom—and the obligation which devolves upon it of bringing that truth within the reach of all, whether they will accept it or not—he would say, it was his firm belief that the Roman Catholics of Ireland generally did not feel the Established Church to be the grievance which hon. Members represented it to be. There was another subject upon which he was anxious to say a few words. The clergy of Ireland had been found fault with on account of their opposition to the system of national education. Now, whatever hon. Members



might think of that system, it could not be denied that a great principle was involved in it—no less than that of Scriptural instruction. The clergy of the Established Church in 1832, when that system was introduced, had expressed their conscientious opposition to it on principle. Now, he would like to know what hon. Members would have said and thought of the clergy if, when a Ministry, to which they were friendly, had come into power, they had abandoned their principles, and had joined the national system, because the Ministry wished them to do so. Was it not, then, too bad that they should be placed under ban by those hon. Members who professed to be liberals, and to estimate freedom of conscience and liberty of thought, because the clergy of Ireland now adhered to principles which they had asserted in 1832. The hon. Baronet, who had preceded him in the debate, had used some observations in reference to the Bishop of Waterford, which he (Mr. Hamilton) greatly regretted to hear. Now, it was quite true, that that respected Prelate was sincere and earnest in promoting what he believed to be truth, and in refuting what he believed to be error in religion. Surely, to do that could not be made an objection to him. But that he was an agitator in any other sense of the word he must most emphatically deny. There was another class of persons of whom he would confess he could scarcely bring himself to speak in terms of moderation: he meant those who were now inciting and goading on the people of Ireland to a state of frenzy, which might terminate in the most calamitous results. It was not for him to enter into the motives of those persons, they were answerable for their motives to a higher tribunal than Parliament or public opinion—he hoped they were enthusiasts; but whatever might be their motives, he thought it impossible for any one to read many of the speeches that were made, and many of the ballads that were sedulously circulated in Ireland among an excitable people, and not come to the conclusion that whatever they might be in law, they were treasonable and rebellious in their tendency. He could not help reminding the House, and that on the unexceptionable evidence of the hon. Gentleman the Member for Waterford, that there was a party in Ireland, even at the period of Roman Catholic Emancipation, whose objects he would

describe in the eloquent language of that hon. Gentleman himself. Mr. Wyse states in his History of the Catholic Association—

“There were many who began to consider even Catholic Emancipation but a very partial remedy for the political and moral evils of Ireland. They looked to a regeneration far more sweeping and decisive. They believed that Ireland had out-grown the connexion, and could now set up for herself. They looked only to such a crisis as might, by its appalling force, loose the iron grasp altogether, and liberate the country from its dependence. They laughed at anything less than self-government in its amplest sense. Separation and republicanism were the two head articles of their political creed. Such a party (he adds) had been rapidly increasing in Ireland. They calculated that there was no other emancipation for Ireland than the absolute assertion of independence: and that the attempt, if conducted with ordinary prudence and perseverance, quietly husbanding their resources, and awaiting with patience the propitious hour for the experiment, could not ultimately fail of the most entire success. Instead of confining themselves to mere relief from the penal laws, they attacked the Church, they attacked the corruptions of Parliament, they attacked the unfeeling pride of the aristocracy, they attacked the sub-letting and other bills; and, as often as occasion permitted, under the question of the Repeal of the Union, they attacked the connection with England itself. They flattered, in an especial manner, that natural pride of all countries, the love of self-legislation and self-rule. They appealed to passions and prejudices, which had slept, it is true, but had never been thoroughly extinguished in the public mind.”

And then, in stating what would be the issue of such a state of things as then prevailed being continued, he adds—

“They would have had in Ireland a highly-inflamed population at their back (for a man who wielded the association in a popular crisis, would assuredly be enabled to wield the country), and they would have been, above all, under the absolute necessity of surpassing their professions in conduct, and going on from violence to violence to the very verge of national revolution. Once on the edge of the precipice, whether they should plunge in or not, would no longer be a matter of choice; it would entirely depend upon the force by which they were propelled forward; it would depend upon the men behind them. A rebellion would be inevitable—it would not be in human power to prevent it.”

He must leave it to the House to judge how far that description and these objects corresponded with the proceedings and conduct of those to whom he was now alluding. He could easily understand that

some hon. Members might say, with his hon. Friend the Member for Limerick, that it was impossible such excitement could arise in the absence of substantial grievances. He could not agree with his hon. Friend in that, when he considered the character and circumstances of the Irish people, and the instrumentality through which that excitement was produced. In the first place, he believed that the numbers at those meetings were greatly exaggerated; and, at all events, there is nothing more easy than to collect large numbers of people together in Ireland, under the influence of any popular excitement. But in this case he felt it right to say, that the peculiar instrumentality used was sufficient to account both for the numbers and organisation of the people. The hon. Member for Waterford had eulogised the Roman Catholic clergy. Although one hon. Gentleman, the Member for Sheffield, had spoken of the Reverends Mr. Mac Neill and Mr. M'Ghee—gentlemen whom he was proud to call his friends—in terms of the most unjust opprobrium, he had no intention of speaking disrespectfully of the Roman Catholic clergy. He regretted deeply the part they had taken, and the language some of them had used in the present repeal movement; and he could not help adding, that it was calculated to raise questions with respect to their ulterior objects. They were now avowedly the leaders of that movement, and the influence they possess, and the means they have at command for directing and influencing it, are quite enough in themselves to account both for the organisation and numbers at those meetings. The topics also that were selected were calculated to bring together large masses—the stirring appeals to ancient prejudices and recollections, and to the national pride, were not without their effect upon an excitable and imaginative people. The process is so precisely similar to that adopted by the Catholic Association, that he could not forbear pointing out its similarity to the House. He should do so in the best way, by reading another short extract from the same history. Mr. Wyse, in speaking of the state of things prior to emancipation, writes thus:—

“Agitation existed everywhere, and became the mode and manner of exciting the whole community. It was now only necessary to give it a more precise and effective direction. This was done by organisation. The first

attempts were but a series of experiments. Many omissions and blunders taught the Catholics at last the road to success.”

The principal point to be attained was,

“To habituate the people to obey, at a moment’s warning, the resolutions and commands of the association. The association would have been unwise, *in limine*, in attempting anything which could tend to render doubtful this disposition. It gave orders easy to be complied with, and the facility of the execution, of itself produced and confirmed the habit. The people did not examine very narrowly into the nature of the machinery employed; they attributed it exclusively to the will and power of the association—and to the association they began to look more and more every day, for the direction of every particular of their conduct. The progress, though gradual, was most perceptible; there was no difficulty in assembling the people upon a Sunday. This repeated, would have soon rendered it equally easy to have assembled them on a week day. Once such assemblies had become practicable, at the decree of the association, the entire population of Ireland would be in its hands. What could have prevented it from making use of this power? It would have been a matter only of a piece of paper, and four-and-twenty hours.”

And he adds in a note—

“The people met without arms, and for the peaceable purpose of petitioning; but they met at once—they met on the same day—above all, they met by the order of the association. What if the association, at some later period, had ordered them to meet with arms, not for the purpose of petitioning against, but resisting tithes, &c. &c.”

Would they have disobeyed? The fulcrum and the power were found—the lever could be applied to anything. And speaking of the Clare election—

“It was designed to tell ministers, in a language which should no longer be misunderstood, that wherever the association chose to call, that there were the people ready to follow—that obedience to the association was the paramount principle in the heart of every peasant in the country—that the power of the association was, therefore, absolute and universal—that it could not be got rid of by the law, for it never infringed the law—that it could not be got rid of by brute force, for it never rendered brute force necessary—that it was, therefore, unattackable and enduring—that, unattackable itself, it could attack others—that, without injuring established institutions, it might make use of these very institutions for every purpose of injury—that it could wield the constitution against the constitution—introduce a sullen perpetual war into the bosom of peace—disturb every relation of society, without violating a single enactment on which such relations repose—and, finally,



produce such an order of things as to compel the minister to choose between coercion or conciliation—between justice or tyranny—between war or peace—between equalisation or revolution. It was intended to tell him that the crisis had come, and there was no longer any time left him for pause or deliberation.”

Such appeared to him to be exactly the state into which the Repeal party in Ireland were endeavouring to force the Ministry now. With respect to the means of remedying the present state of things in Ireland, it involved so many considerations, that he felt it to be a matter for the mature deliberation of Government, rather than for any Member of that House. He would, however, say, that he was firmly convinced that just in proportion as Government evinces firmness and strength—he meant that kind of strength which indicates stability—in the same degree would the excitement subside. He had already stated, that he owed nothing to Government—on that account perhaps he might the better say, that he felt it to be a strong duty at such an emergency for those who were anxious for the tranquillity of Ireland, to place Government in such a position that it might be seen and felt that they were quite able and determined to meet any crisis, no matter what, with a moral courage and political strength fitting, such an occasion; and that any forbearance they might show could no longer be attributed to timidity or weakness. He was glad to collect that there was no faltering—no hesitation on the part of Government on account of the present movement—that they were quite determined to uphold the Established Church, and to act steadily up to the principles upon which they came into office. If there was any discontent among sections of the Conservative party, he would earnestly call upon them to co-operate cordially with her Majesty’s Ministers on this occasion. The tranquillity of Ireland was more important they might depend upon it to their interests, than the Canada Corn Bill. Let the Irish Conservatives feel themselves no longer estranged, let moderate men of all parties have the courage to come forward and support the Crown, not for the purpose of any undue coercion, but for the purpose of baffling the designs of the Irish demagogue—not for the purpose of any unnecessary force, but for the purpose of enabling Government to bear down those physical demon-

strations by an exhibition of moral and political strength. He certainly agreed in the opinion that had been expressed by the right hon. Baronet, the Head of the Government, that it was too much the habit in Ireland for people to look for extraordinary laws, to suppress disturbance. He certainly thought it was much better to teach the people of Ireland to rely upon the Constitution under which they lived, and which he believed to be amply sufficient to protect the well-conducted, and restrain the turbulent; but then, in order that the people might acquire that assurance, it was certainly necessary that the laws should be administered with firmness as well as temperance,—at the same time he would say to Ministers, in the strong language of his hon. Friend, though not in the same sense that they ought to strengthen themselves in the estimation of the people of Ireland generally, by taking every opportunity of showing that they sympathise with their feelings—that they have a knowledge of their wants, and a disposition to provide for them—not, however, by the abandonment of great principles, but by attention to practical objects. Let the English people and English members manifest their determination to defeat this attempt to coerce Parliament, and force upon them a change of Ministry, by rendering the government morally as well as numerically strong—let the well-disposed in Ireland rally from the confusion into which this sudden movement appears to have thrown them; let them no longer be intimidated by threats of force—let them show that they too have courage to meet the emergency; and, above all, let them appeal to the good sense and good feeling of those around them, and he was sanguine enough to hope that the excitement might subside not less rapidly than it had been created. He had stated, at the commencement of his address, that there were circumstances connected with the social condition of the people of Ireland which may have contributed to the present excitement. Although he had adverted more particularly to those which he believed to be the primary causes of that excitement, he was by no means disposed to overlook those other considerations. His hon. Friend had adverted to them with great ability, and the hon. Gentleman the Member for Kildare, not only on a former occasion but in the pre-

sent debate, had invited men of all parties to lay aside party feelings, and proceed to consider those important subjects—and almost every hon. Member had done the same; certainly there was much in the social condition of the people of Ireland requiring anxious and deliberate attention. He believed that the general improvidence which unhappily had been the characteristic of all classes, from the highest to the lowest, during the last generation, was the main cause of the derangement of the social system. The correction of this evil was hardly within the reach of Legislation, and was necessarily the work of time. He thought there had been a considerable improvement of late years, but there was much within the reach of cautious and well-considered Legislation. He was not an advocate for buying off agitation by improvident grants of public money. Such a course would be nearly as futile as attempts always were to buy off agitation by abandonment of great principles; but still he thought much good had been done and much good might be done, without loss to the revenue, by the extension of public works. Ireland certainly had a right to expect this, for, when the Poor-law was passed, it was certainly understood that the pressure of that law was to be alleviated by other measures for the employment of the people. He was sorry to hear the remarks of the right hon. Baronet, the Home Secretary, in reference to railways in Ireland. He was not favourable to construction of railways by Government, but he was favourable to railways on the principle of private enterprise, aided by Government loans. Notwithstanding what had been said by the right hon. Baronet, he could assure the House that there were great capabilities for railways in Ireland, and a great disposition to invest money in Irish undertakings, but not certainly if it was to go abroad on the authority of the right hon. Gentleman, that the average cost per mile was to be 34,000*l*. He was connected with one railway in Ireland which had been aided by a government loan. It was now nearly completed. It was not a line of very easy construction, and rather expensive than otherwise in its character; and he could state to the House, that the cost of its construction would be under 13,000*l*. a mile. He thought there was much in the suggestion of the hon. Gen-

tleman (Mr. More O'Ferrall) with respect to the extension of the Scotch law to Ireland for the permanent improvement of estates, or the reclamation of waste lands, by enabling tenants for life, under proper restrictions, and after inquiry by the Lord Chancellor, to raise and expend money on such improvements. In reference to the social condition of the people of Ireland, a vast mass of information had been collected from time to time by the House, but its very quantity had rendered it so cumbersome, as to be nearly useless. He did think it would be desirable, as the hon. Member for Kildare had suggested, that a commission of discreet men of moderate politics and of different parties should be appointed, not so much for the purpose of collecting facts, as of considering and digesting facts already collected, and who, proceeding during the recess with great caution and deliberation, might consider how far it would be possible for Parliament to aid in the improvement of that joint system. This was a work well worthy the philanthropist and patriot. It was a duty incumbent on the Government and the country; no consideration should be spared, no efforts wanting, to place the peasantry of Ireland in a better position. Whatever might be said by others, he would always stand up for the peasantry of Ireland. It is true, they are excitable, and liable to be misled by the demagogue and the agitator, but he should like to see an effort made to take them out of the hands of such parties. He should like to see a British House of Commons laying aside these party contentions for which the Irish peasant cares but little, and applying themselves in good earnest to the consideration of practical measures for the amelioration of the condition of the people. He should like to see the right hon. Gentleman at the head of the Government, the noble Lord at the head of the Colonies, and the many other statesmen who had served their political apprenticeship in Ireland, applying the energies of their maturer years to this important subject. There were difficulties, no doubt, in the way—few difficulties are insurmountable; the attempt might be unsuccessful; but the people of Ireland would at least acknowledge it with those feelings which their warm hearts and affectionate dispositions never failed to exhibit towards those from whom they received consideration and kindness.



Mr. E. B. Roche: As the hon. Gentleman who had just sat down, stated his motives for opposing the present movement in Ireland, he hoped he should be allowed to avow those which actuated him in taking an active part in it. The hon. Gentleman said, that this great movement (for such it was admitted to be on all hands) was not of a national but a party character. We were not, the hon. Gentleman said, backed by the national will; and our only object was to bring back the Whig party to power. The hon. Gentleman then, however, proceeded to say, as if to prove that he came from the same country as he did, that the people of Ireland never placed any confidence in the Whigs. So that we were represented as agitating the country—as placing ourselves in a prominent and responsible situation, to bring back to power men about whom he did not care a fig. The motives of the leaders of the movement had been impugned; but whether they were corrupt or praiseworthy, the question arose—what gave them the power they possessed? The power must be derived from some source or other; and they say that they are admitted to the confidence of the people, because, knowing their grievances, and deeply sympathising with them, they have not hesitated boldly to proclaim them. It was true he came into that House a decided and pledged repealer; and he must say that, having listened with attention to all the speeches which had been delivered, if it were possible to make him a more thorough and uncompromising repealer, those speeches would have had that effect. To the speech of the right hon. Baronet at the head of the Government, he had paid that attention which was due to his position and character. That right hon. Gentleman admitted the importance of this question—he admitted the intensity of feeling which prevailed on the subject in Ireland; yet neither he nor the right hon. Secretary for the Home Department, who charged the Irish people with manifesting a “rebellious spirit,” proposed a single remedy that could allay the excitement or give satisfaction to the people. The right hon. Baronet said our cause was “rebellious.” ’Twas a hard word. In Ireland it called up the phantoms of ’98, martial-law, pitch-caps, the lash, the gibbet, rapine, murder, the flogging of the priesthood before the faces of the people, and

he must say, that if the right hon. Gentleman knew as much of Ireland as he did, it was the last word he would select to throw oil on the troubled waters. If there were a rebellion in Ireland, why did not Ministers come to the House for power to put it down? He owned, as he had already said, that he took a prominent part in the movement, and he had no fear of being stigmatised by the right hon. Gentleman as a rebel. They were not here, however, for the purpose of recriminating charges? The people of England, he hoped, were watching this discussion, he knew the people of Ireland awaited the result of it with the greatest anxiety. He confessed the Irish people despaired of obtaining any relief from the English Parliament, except on compulsion. They had made agitators of the Irish by never granting their reasonable demands, and always succumbing to force. If at the meetings of the cabinet, which from all he had heard were not quite as peaceable as those of the repealers, any definite measures had been decided upon, he was sure the right hon. Baronet would have been but too happy to state them in his address of last night. Were we to hear the announcement made by another Member of the Cabinet to-night, whose name would not be a very favourable passport in the eyes of the people of Ireland? Come from whom they might, the people of Ireland were ready to forget the men, but deeply to weigh their measures. He must acknowledge that he had received much gratification from the tone of many of the speeches which had been delivered in the debate. The speech of the noble Member for Sunderland was of a comprehensive character; it was the speech of a man who had not only the will, but the mental power requisite for the government of a country. The speech of the noble Member for London was not quite so broad in its character, but both speeches would be read with the greatest interest in Ireland. This fact was, however, reluctantly forced on his mind, that however willing to conciliate the Irish people, the government to which the noble Lord belonged had not the power. The hon. and gallant Member for Westminster told them, that bigotry was so strong in Scotland and England, that no English Government could do justice to Ireland. In this acknowledgment was the justification of the Repeal movement, for history told

us however possible it was to conciliate a people, the ferocity of a faction was never allayed. He was reminded by the speeches of several hon. Gentlemen opposite, who boldly spoke out their opinions on the misrule of Ireland, of a saying in Ireland—"Soft words butter no parsnips." He told them, if he were not to have their votes, he despised their speeches; and echoing the language of the right hon. Baronet at the head of the Government, he must say, that if these hon. Gentlemen had the clearness of intellect to think rightly on the subject of Irish grievances, they ought to have the honesty to vote rightly. Speeches without votes could only have the effect of reminding his countrymen of English justice—it was holding out the shell, not the kernel of conciliation. But even if the Irish people had the benefit of their votes, he was afraid they could afford but a sorry comfort; because if they were so honest as to join that people, they were not so numerous as to help them. The only claim on the attention of the House he could have, was his testimony as a repealer; and he could tell the House, that the people of Ireland would never be quiet until their grievances were redressed. The repealers were charged with using exciting language. They were not, however, conspiring in secret; and no man, addressing the people of Ireland on their admitted grievances, could be cold in his language. They were, it was said, looking for foreign aid. Heaven knew, they had been looking long enough to England for justice. The repealers could not prevent Christian men in America from sympathising with the wrongs of Ireland; and if they could they would not. They could not prevent the French press from turning its attention to the state of Ireland, and if they could they would not. There was nothing like speaking above board. Let somebody who might follow him prove, that they ought to prevent the people of those countries from sympathising with the Irish. Did not England sympathise with Poland? Was there such a thing as the siege of Acre? Did they ever hear of the Syrian question, or of the intervention in favour of Greece, or that for the establishment of a free government in Belgium? He should like next to know whether it was the policy of the Government, and not a feeling of justice in the people of England, that authorised the steps he had alluded

to? He could only regret, that the people of England could not see there was room for the indulgence of these feelings at home; and perhaps, instead of their peregrinations to the east, they would next think of turning for awhile to the west. All he implored was, that they should set out on the journey at once, for the golden opportunity of conciliating was fast passing away. There was no use in touching upon the topics of Irish grievances, for they were told that nothing was to be done with the Church or the franchise. Threats were held out of coercion. But as he was interested in that threat, he should only say with regard to it, that he warned the Government and the English people how they interfered with the people of Ireland in discussing their grievances; that people which were actuated by no rancorous feelings of religion, but by the strong sense of injustice, and the sacred and honourable feeling of patriotism.

Mr. *A. Stafford O'Brien* felt he had a right to congratulate the hon. Gentleman who had just spoken. It was the advantage of extreme opinions such as his, that thus enabled the holder of them to act a straightforward part as the hon. Member himself expressed it. It had been a difficult matter to find out what was the opinion of hon. Gentlemen opposite, not as to the Government, but as to what was the proper remedy for the evils existing in Ireland; not so with the hon. Gentleman. Allusion had been made to several speeches delivered by hon. Gentlemen on that (the Ministerial) side of the House, and he, too, would also say a word or two respecting them. He would do so with sorrow and regret, in consequence of the friendship which existed between some of the hon. Gentlemen and himself, but when they remembered with what welcome those speeches were received by the hon. and learned Member for Bath, he would ask them to pause before they adopted a tone which did no credit to themselves or the party with which they were connected. Considering the quarter from which it came, he confessed he was never more surprised than last night to hear the attack made upon the noble Lord the Secretary for Ireland.

Mr. *Smythe* was anxious to state that the hon. Gentleman had entirely mistaken what fell from him. He had been totally misunderstood, if it were supposed that



he had thrown any reflections upon the character of the noble Lord. All he had reflected upon was the inaction of the Government, not upon the character of the noble Lord.

Mr. *S. O'Brien* was glad that he had afforded his hon. Friend that opportunity of explaining what his meaning had been, because he could assure him, that many hon. Members had looked upon his speech in the same light as he had. The speech of the hon. Member for Cork was important, inasmuch as it was the first with which the House had been favoured by a thorough Repealer. The hon. Gentleman told them that the party with which he was acting was the movement party in Ireland—the party who, he said, were despairing of obtaining justice from England; yet directly after he added, that he had hope as regarded Ireland. Had he misstated the hon. Gentleman? He had given the hon. Member for Canterbury an opportunity of explaining, and would be happy to allow the same to the hon. Member, if he had spoken incautiously.

Mr. *E. B. Roche* in accordance with the wish of the hon. Gentleman, was perfectly ready to repeat what he had said. He said nothing about foreign interference—he had talked of foreign sentiment and sympathy. What he said was, that the Repealers did not look for foreign interference; they could not prevent foreign sympathy, and if they could they would not.

Mr. *S. O'Brien* accepted the explanation of the hon. Gentleman—the House and the country would accept it for what it was worth. However, he had considered it a duty incumbent upon him, as a subject of her Majesty and a citizen of England, to call the hon. Member's attention to the mention he had made of foreign interference; he put the question, the hon. Gentleman had given his explanation; if he thought that was sufficient, he (Mr. O'Brien) would say no more, but pass on to remark upon the speech of the other Repealer. [Mr. *Roche* had given no explanation. Being called upon, he had repeated what he had formerly said.] Well; the other Repealer, the hon. Member for Waterford (Sir *W. Barron*) stated, that for twenty years, he had been a steady antagonist of the Repeal movement; that he had denounced it over and over again. He who said, "The greatest misfortune that can befall Ireland would

be a separation from England"—he stated that he had joined a body he had always denounced—why? because the Lord Chancellor had thought proper to appoint five Conservative gentlemen as magistrates in the city of Waterford, and the bishop of the diocese was not so hospitable as he ought to be. These were the only reasons given by the hon. Baronet for becoming a member of a body which he had formerly denounced. He also had a suggestion to make towards remedying the present evils of Ireland, and as it was neither a Whig nor a Tory proposition, he trusted it would be received with cordiality by both. It was to curtail these discussions as much as possible—finish the business of the Session—and go home to their duties as landlords and magistrates, at least such of them as were still in the commission of the peace. The hon. Member for Drogheda (Mr. Redington) had said the people had no confidence in the magistracy of Ireland. What a censure that was upon his own friends after they had the Government of Ireland for eleven years! But it was not the fact. The evils of Ireland would best be corrected by her landlords endeavouring to redress all the grievances open to complaint. If all the miseries Ireland had suffered from her landlords and absentees were placed in one scale, and all those which she had endured from the English Government in the other, the balance would be found fearfully on the side of the former. Not that the rich in England had done their duty towards the poor. The frightful contrast between excessive penury on the one hand, and excessive wealth upon the other, was not more prominent, perhaps, in Ireland than it was in England; and if the Legislature rejected the hands now held up in prayer they would soon have to meet clinched fists. The question of the Church of Ireland was a contest between the Romish and the Anglican church, in which the whole of Christendom would be interested. He hoped the Irish Church would not be weakened but strengthened, as a great blessing to the Irish people. He believed, sincerely, that the Church was a benefit to the people of Ireland, and that it really was a question between the peasantry and the State. Hon. Members who professed to regard the Church as the monster grievance of Ireland, had not commenced their assault upon it until the present Ministry had

come into office. Had he believed what they professed to believe, he would never have rested till it had been destroyed. He believed sincerely that the Church was a great blessing to the people, and therefore he hoped it would be preserved not in appearance merely but in efficacy and in vigour. With respect to Repeal hon. Members opposite who pretended to disapproval of it should manfully discountenance it, instead of encouraging it by their exciting speeches. This debate would probably be closed on the anniversary of the battle of the Boyne; and as that day had long ceased to be the occasion of exciting exhibitions on the one side, he trusted it would now mark the commencement of a new course of moderation on the other side. The chief fault of the Orangemen (who had been the object of so much animosity on the part of Gentlemen opposite, who had perhaps been too carelessly thrown off by the party which had availed themselves of their aid) was, their not remembering sufficiently that they were Irishmen, and he hoped that error was not to be imitated for ever by their opponents, and that peace would no longer be sacrificed to party contests.

Mr. *Hume* said, the hon. Gentleman accused those on his side of the House with entertaining an opinion that the Church of Ireland was a curse, instead of a blessing; and accused them of allowing this wrong to exist, and taking no measures to redress it. If the hon. Gentleman had been longer in the House, he would have known that twenty years ago, he had given this opinion roundly, as he did now, that the Established Church of Ireland constituted the grand grievance of which the Irish had to complain, and if he were an Irishman, he never would be content till the Church was removed. Everything that had taken place from that moment to this had convinced him of what ought to be done. What were we about to wage war against Ireland for? Why, the hon. Baronet said, it was to maintain the Irish Church. They were going to war, they were about to disturb the peace of the empire, for a sinecure church. There was a majority of 7-8ths against this, or it might be 11-12ths of the population. It might be, that the maintenance of the Church was important to the happiness of the 1-12th, but let them see what evils it inflicted on the other

11-12ths, and he would counsel her Majesty's Government not to proceed in this course. They ought to do justice to Ireland. Why was there an Established Church in this country? Because it was — though he doubted whether it were so now — the Church of the majority: in Scotland, the Presbyterian Church was established, because that was the Church of the majority; and if this justice were done to England and Scotland, why did they not give a church to the majority in Ireland? He was satisfied that the people of Ireland ought not to cease demanding a proper application of this public property, for public property it was, and Parliament had given it to certain parties to perform certain duties, which had ceased to be performed for many a day: he therefore considered the support of the Church of Ireland a misapplication of the public money; and the people of Ireland looked upon it, as it was a mark of degradation. He would not then revert to other grievances, for he only rose in consequence of the observations of the last speaker, and he should support the motion.

Mr. *C. Buller* said, I shall not, Sir, occupy the attention of the House for any long time; but having taken an active part in a previous debate, when the state of Ireland was before the House, I cannot allow the present debate to close without saying a few words. I must say, that this discussion has been the most remarkable, as well as the most gratifying, which I have ever been present at in this House. I never heard, however, a debate in which a great question has been more calmly or more fitly discussed; and the remark may be extended to both sides of the House, and in all the different stages of the debate. Every one, Sir, has admitted that the hon. Gentleman who introduced this motion stated the grievances of Ireland with temper and with fulness. There have also been speeches, containing the exposition of sound principles, by my hon. Friends, the Members for Bath and for Sheffield; and, Sir, I must express my pride at belonging to a party, two of the leaders of which, the noble Lord, the Member for the City of London, and the noble Lord, the Member for Sunderland, have come forward, and, declining to avail themselves of the usual tricks and concealments of opposition, have stated large, comprehensive, and sound views, relative



to the state of Ireland, which show that they, and not the Gentlemen opposite, are the proper persons to govern that country. I hail, Sir, also the adoption of the phrase by the right hon. Gentleman, the Member for Edinburgh, which was stated in the Canada report of Lord Durham, of "the responsibilities of opposition." Those responsibilities are shared in by us, and I appeal to the conduct of this debate, to prove that they have not been forgotten. We have heard, Sir, to-night, the speech of the hon. Gentleman, the Member for the county of Cork, who, with a generous feeling, has given us in an upright manner good reason for his support of repeal; and if the hon. Member be a fair sample of the Gentleman attached to repeal, I can only say that he gives the best evidence that they can be reasoned with, but not coerced. As to the phrases on the value felt for the sympathy of foreign nations, it shows that the repeal agitation was not a question which interested only the Irish themselves; and that when sordid and sectarian interests lead to the perpetration of wrong, there is a sympathy excited not only in free America, not alone in France, bound by ancient recollections of oppression; nay, not in free states alone, but in every nation on the continent of Europe and throughout the Americans, who all wonder at our marvellous folly, and at the waste of our resources. In paying this tribute to the creditable way in which this debate has been conducted, I cannot fail to accord the credit due to the speech of the right hon. Baronet at the head of the Government. Knowing the eminent position which he occupies in this House, — knowing how much the susceptibility which makes him so great an ornament of our debates, render him sensible to the cheers of his supporters, I must say I felt peculiarly grateful to him for the manner in which he delivered last night a speech, the tone of which could not have called forth warmer feelings on his own side of the House. I cannot but thank him, even although he proposed no plan of Government at all, for not having, at least, fallen into that worst and most fatal error into which he might have fallen,—I thank him for those feelings of warm and generous humanity and patriotism which prevented him from having recourse to the vulgar plan of coercion. Though I blame him for not coming forward and adopting those

large and beneficent measures which would at once put down the cry for Repeal, at any rate he is not ready to plunge his country into civil war by trying coercion before he has exhausted all his powers of reasoning. Great part of his speech I heard with the greatest delight, because if he, with his enlightened feelings, with his large views, with the patriotic intentions for which I give him credit, if he can only acknowledge abuses; if he can only defend the Irish Church by some little arguments *ab inconvenienti* about what you are to do with the Catholic bishops; if he can do nothing with respect to the momentous question of the relations of the Catholic Clergy with the state, but hint—and I thank him even for that hint—that it is a subject on which he will not rashly pronounce an opinion, thereby giving me hopes that he will pronounce an opinion by and by, and that he means to take up this question with a view to some settlement—even if this be all we can now get, still I do not despair of sufficient measures being taken to put down the agitation now going on in Ireland, by granting the just demands of that country. I confess, when I heard his statement of the evils which afflict Ireland, and admit his total inability to grapple with them, if I had come into the House without knowing what was the object and tenor of his speech, I should have said he was making a speech declaratory of his own want of confidence in his own government. I must say that what has most astonished me in this debate—which is the most surprising and interesting discussion, I say it without any exaggeration, I ever heard in Parliament—is the developement of opinions among a large number of gentlemen who have long been supposed to entertain opinions exactly the contrary. Their own party has found fault with the tone they have taken towards their own leaders, but I was delighted to find them vindicating themselves from the charge of extreme and miserable bigotry, and coming forward and stating, Member after Member, that the Irish Church is a grievance to the people of Ireland, and avowing that the state ought to make a provision for the Catholic clergy. I allude particularly to the hon. Member for Westminster, who said that there was not a single argument for the Irish Church. My first impression was, to lift up my hands in wonder and say, what have we been differing about so

long—for what have we been abusing one another on the hustings, and in the House? Why have we been calling you bigots, and you styling us enemies of the Church? What an agreeable disappointment to find that your opinions on the great fundamental question of the Church agree with our's more than with those of the Government! It may, perhaps, be owing to some of them being young Members of little experience, some of whom have not yet learned how to make their votes coincide with their speeches. But these things come gradually. If they will give us their speeches in the mean time, we will give them an opportunity of letting us have their votes some other day. The hon. Member for Northamptonshire made the most unfair charge against this side of the House I ever heard made against it by any Ministerial Member. He stated that we had complained of petty grievances, but had brought forward no distinct remedies. I must say, that I never heard larger and more distinct views brought forward in any discussion, stated with greater calmness, and, I may say generally, with more perfect unanimity of opinion. And now how stands the question as to these points? The great evil of Ireland—the great source of all the mischief—has been originally the conquest of the country by the English invasion; and secondly, the perpetuating the bad feelings engendered by the conquest, and attempting to force the Church of the conqueror on the conquered people. This is an evil that runs through the whole frame of Irish society. To this you may trace the evils—to this the misery, of that country; and I must remark that it is not fair, when you are speaking of a grievance of 300 years' standing, to expect that the instant you remove the grievance, you will remove the feelings of discontent it has engendered. Think of this always, when dealing with the people of Ireland, that you have to deal with a people who suspect, and must suspect you—a people who have to complain of great injustice—who well recollect their ancient wrongs, and who are not, therefore, prepared to think everything a benefit that comes from the hands which inflicted those wrongs. Be patient, therefore, and forbearing towards the Irish people, and when they cry out against small grievances, recollect it is but the echo of that deep voice which they have raised for ages against greater oppres-

sions. It is to this attempt to force an alien church on an unwilling people that we are to ascribe the great and capital grievances of Ireland; the first of these is the relation of Church and State in that country. I have no general wish to destroy Church establishments. Even the Irish Church—the Church of a Protestant people, certainly my wish would not be in any way to destroy; but I tell you, that to maintain the Irish Church in a position of undue superiority with the mass of the people of a different religion, has been an insult and a wrong to the Irish people. When you talk to me of the clergyman being a good resident landlord, visiting the people, and spending money amongst them, I tell you, if he had all the virtues which the best landed proprietor or priest ever had, while he is paid by the tithes, and exercises the office of rector of a parish filled by Catholics, he has one character that predominates over every other—that poisons every benefit that comes from his hand—that makes him unfit to be the object of reverence or attachment—that makes him one of suspicion to all he sees, as the priest of an intrusive church, drawing off their revenues, which were meant to be employed for their spiritual instruction, and not in keeping a church to which they are adverse, in a state of predominance. I say, that you must remove that evil before you can do any good—not by recklessly destroying the Protestant establishment—not by depriving Protestants of the example and instruction of their clergy, but by putting the Catholics and Protestants in every respect on an equality. I say it is a great and real wrong to the Irish people, to this excitable, and mercurial people, who are just in that position in which, above all others, a people stand in want of a respectable and efficient clergy. I say you committed the greatest wrong on that people in withdrawing the State from all relation with their clergy, and refused to govern the people through the influence of those who are their real guides. I say, then, the great thing you have to do, is to bring the Catholic clergy into relation with the State, to meet them in the bonds of amity; and let this be your principle, not to destroy the establishment without any real need, but to take care that there shall be just as great provision made for the spiritual instruction of the Catholics throughout Ireland, as for the spiritual



instruction of the members of the Episcopal Church. That is the principle on which I say you ought to proceed with respect to the Church of Ireland. There has been another great evil—I mean the relations of the people of Ireland to their landlords. I know I can hardly mention the subject of fixity of tenure, without exciting the susceptible minds of many of the Members of this House. This is a question on which I must do what I think it is generally very unadvisable and improper to do. On a question of this great importance, hitherto so little brought into discussion, I cannot venture to come forward and pledge myself immediately to any practical course which may have been proposed, but I say it is a matter on which something must be done. You must not leave the whole of the occupiers of the soil without any rights in the soil. I want to point out to the Government, if they will give me their attention for one moment, one remarkable anomaly in the state of property in Ireland. You say the laws of property in Ireland are the same as in England; that the landlord has no more in Ireland than he has in England; and that any interference with the present powers of the landlord would be dangerous to the rights of property in England. I ask you, what do you think would have become of the rights of property in England, if the rights of the landlord had not been modified by the existence of a poor-law and a law of settlement, which, I believe, have been the great protection for the people of England from the owners of the soil, and secured them frequently against the treatment which is the every day lot of the poor in Ireland. You give the landlords there full power to turn out their tenantry—to eject, in fact, the whole population of Ireland, without making them liable to a poor-rate and to provide for their support. Do not attempt to support a system which the just feelings of the people of England will never allow you to keep up. I entirely agree with those friends of mine who spoke on this subject, that something must be done to remedy this evil in Ireland, by instituting full inquiries into the relations between landlord and tenant, and making some provision for improving the condition of the great body of the people of Ireland. You cannot accuse us of complaining of the grievances of the Irish people without suggesting any remedy. I grieve from

my heart, that the right hon. Baronet should have missed the golden opportunity now afforded him of entering on a course which would have handed down his name to posterity as a benefactor of Ireland. If he has missed this opportunity, do not let this House miss it. Let us take advantage of the improved feeling generally shown on both sides of the House, and let us hope that this question, instead of being suffered to drop into oblivion, will be again brought forward until we derive some benefits from the bettered disposition of the country, and really do some practical good to Ireland.

Lord *J. Manners* hoped, after the allusions which the hon. and learned Member for Liskeard had made to those by whom he was immediately surrounded, he should have the indulgence of the House while he offered a very few remarks. Whatever popularity or unpopularity might attach to the course which he had determined to follow on the present occasion, he assured the House he was influenced by no such feelings. He could not look upon this as a question of confidence or no confidence in the Government. He appealed to the terms of the motion itself, to the spirit and tone and avowed objects of the hon. Gentleman who had introduced the motion, whether it had not been brought forward frankly upon its own merits and without any unfair party objects? The motion then having been brought forward fairly, he must be permitted to treat it in the same spirit. If it were a mere miserable effete party manœuvre, he should treat it as utterly indefensible, and defeat would be its due reward; but in a crisis so momentous as this, he could have no sympathy with those who would dare to palter with the convulsion of a kingdom as if it were the plaything of political intrigue. With these views, he should vote for the motion of the hon. Gentleman. At the same time, he must own that he did not think the House going into committee was the fairest and best way of producing all the good he wished for Ireland, instead of the House going into committee, he wished the Government had gone into committee on this subject. There were measures which might be adopted, which Tory lords-lieutenant such as Strafford would not have hesitated to adopt. Who was it that introduced in Ireland the cultivation of flax, and established the linen trade? The Tory Lord-lieutenant Strafford. It

should be theirs to revive and extend what Strafford had introduced and fostered. If the waste lands of Ireland were to remain uncultivated, if public works were to be neglected until individual enterprise should undertake them, then all he said was, he did not see how that House was justified in refusing to accede to the proposition of the hon. Member for Limerick.

Mr. *Muntz*, without going minutely into the subject of the Irish Church—a very dangerous subject, must say, that he did not believe that the Church question was the question now at issue. He could well understand, that the people did not like to pay tithe for a church that did not belong to them, and with the great pressure upon them he could well understand that the payment of tithe was felt as an additional pressure. But what he would refer to was this—It was said, “Why not treat Ireland as you treat England?” They did treat both countries too much alike. What were the Government going to do? Nothing. Were they going to inquire into the state of Ireland? Most distinctly not. They had the declaration of the right hon. Baronet last night that there would be no inquiry into the state of Ireland. Was there to be any inquiry into the state of England? No. Were not all the miseries and the unparalleled distress of England to pass without inquiry? Had the right hon. Baronet since he came into office, done anything for England? Every class of persons, whatever might be their politics, was asking what had been done for England, Ireland, and Scotland. The Government dared not look into the state of their own concerns. They shrank from that inquiry, but before it was too late they ought to make it. He stated to the House before, and he now stated it again, that he had not the least party feeling; but, without taking serious steps to alter the present condition of the country, the results must be much more formidable and extraordinary than were now contemplated. A wise man looked into his affairs before they were so desperate that he could not extricate himself. This remark applied not to Ireland, but to the whole of the kingdom, and never since it had been a United Kingdom, was it in such a state of difficulty and distress as now. The Government were mistaken when they thought the Protestant Church was popular. Let them remember the educa-

tion clauses in the Factories Bill. What was the reason they gave up those clauses? Because the people of this country, taken as a whole, would not intrust the education of their children to the Established Church. They ought to inquire into the state of England, Ireland, and the colonies—in fact, into the state of the whole empire, before it was too late.

Mr. *Ferrand* wanted to have a distinct explanation from the Government whether they intended that the vote the House should give, was one of general confidence in their measures, or one merely relating to Ireland; because, if it were a vote of confidence, he should betray himself, his constituents, and his country, if he voted with them. If, however, it were a vote upon an Irish question alone, he should vote with them. When the hon. Gentlemen opposite brought forward charges against the Government for doing nothing for Ireland, they did not come into the House with clean hands. What did they do for the last ten years that they held office? Nothing. They were the slaves of Mr. O’Connell. As to the Government, he would ask to what quarter of the empire could they point and say, — “Behold the prosperous legislation of a Conservative Government?” Let them look to Wales. There was a rebellion there more frightful and more dangerous staring them in the face. Was property safe in Wales? Could a person travel upon the high road in Wales during the night? Hon. Gentlemen who sat on the Treasury Benches, and who fed upon the crumbs that fell from the Treasury Table, must not control the independent opinion of an independent Member. He had never given a party vote since he sat in that House, and he never would. Ere they came to the close of this Session, he said that legislating, so far as England was concerned, was at an end; but was there no danger staring them in the face? Ho looked with fear and trembling to the results of this ensuing winter. Ill enough was it for his native country to be bandying party war-cries, but would to God they could exhibit one evening devoted to its service during the whole Session. With shame he said it, and they ought to feel that that shame belonged to them—for neither side of the House had done its duty during the Session. There would soon come the question before them, whether the people, united in dissatisfaction,



were any longer to be treated with neglect in this country? Well might the hon. Member for Birmingham say that this was not an Irish question. It was an English, Scotch, Welch, and Irish question; and he agreed with his noble Friend who sat beside him, that it was high time for the Government to do something for the country. They had done nothing—they were impotent to do good—they were powerless to protect, and unless the Government manfully stood up and honestly told him what they meant to do for England, Ireland, Scotland, and Wales, his vote would be against them. The right hon. Baronet had deceived every party in the country. He knew the truth was unpalatable in that House, but he knew it was the country that demanded now that every man who wished for a character of honesty and consistency should speak the truth when he stood up. The Government had deceived every party. He repeated it. If any hon. Member denied what he asserted let him go and ask his constituents whether it were not true. He came there to protect the Protestant Church, and it was the duty of the Government to stand up manfully and tell the Protestants of this country that they would protect the institutions of the country in Church and State. If some member of the Government would not stand up and state fairly and honestly what they intended to do for the welfare of the country, he hoped to God the people would give them to understand that they had lost the confidence of the nation, and that they ought to give place to better and more honest men.

Mr. *Blewett* said, the noble Lord the Member for Bandon (Lord Bernard), in describing a particular grievance under which Ireland laboured, said that it was remedying itself. He thought that was a true description of the policy of the present Government, which appeared to be to let all the grievances of Ireland remedy themselves. He conceived that the speech delivered last night by the right hon. Baronet must convince the people of this country, that so long as the present Government remained in power, there was no hope of restoring peace and tranquillity in Ireland, nor was there any guarantee for the safety of the united empire. The right hon. Baronet had contended that his Government in Ireland had been conducted on a system of moderation, justice, and

impartiality. [*Loud cries of "Divide."*] He would only declare his determination to support the Irish Members in their endeavours to obtain from the present or from any other Government complete justice for Ireland, and remedies for all the grievances under which that country was suffering, in order that it might become—as he hoped he should live to see it—one of the brightest jewels in the British Crown.

Viscount *Palmerston* spoke as follows: Sir, this is one of the most remarkable debates I remember to have heard, not only on account of what has been said, but on account of what has been left unsaid. It is a debate remarkable for the ability, for the judgment, for the moderation, and for the knowledge of the matter in hand, which has been exhibited by my hon. Friend who has brought forward the motion, and by those who, on this side of the House, have supported him. The debate has been remarkable also for the speeches delivered on the other side of the House by Members usually supporting the Government, but on the present occasion materially differing from them; and I think the sentiments expressed by those hon. Gentlemen are pretty strong indications that those views upon great questions which have been hitherto entertained by a minority in this House, are likely at no distant period to be entertained by a majority. But, Sir, this debate has been peculiarly remarkable for the course pursued by the Members of her Majesty's Government, not less remarkable on the present night than those which have preceded, because although it is now past midnight, not one Member, I think, of the Government has risen in his place, but hitherto the debate has been principally maintained by Gentlemen on this side who support this motion, and by Gentlemen on the other side who do not well agree with the opinions of the Government. The question regards the state of Ireland, which has been admitted by all to be a subject of the greatest anxiety. The state of Ireland is acknowledged and felt by her Majesty's Government to be not merely a subject of deep anxiety, but of immediate alarm, for we have seen military movements and demonstrations, which it is impossible the Government could have been induced to make if they had not thought there was danger of some description, which required these prepara-

tions. We are now nearly at the end of the Session; the subject is brought forward by my hon. Friend and the other Irish Members who support him, in a tone and temper and with a knowledge of the subject which must impress upon the mind of every man not only the importance of the matter, but the urgent necessity of applying some remedy; and yet I defy any man who heard the speeches of the Members of the Government—I will not say, to tell me what course they mean to pursue—but I defy any man to infer from their speeches what are really the views which the Government entertain as to Ireland. The Government are swayed by opposing and conflicting powers. On the one hand there are those who would urge them to adopt measures of coercion, extending to I know not what degree of violence; but Heaven forbid that the Government should listen to advice of that kind, I am glad to observe that they do not appear so disposed. On the other hand, the Government have been told by some hon. Members on this side of the House what are the remedies which are to be applied to the present state of affairs. Hitherto, however, the Government have exhibited no disposition to adopt them. The utmost they have said is, that they may be ready at some future period to consider some measure or other affecting some one or other of the grievances which have been so fully and amply set forth. Sir, this announcement by the Government reminds me of a saying attributed to a minister in the court of Ferdinand 7th. It being urged upon this minister that it would be advantageous to Spain to adopt a more liberal policy, he replied that the Government had liberal notions, and perhaps, some day or other they might acknowledge the South American republics. So it is now. The Government tells us that some day or other, they do not say when, they may think of advising the adoption of some measures to meet the difficulties of this case. Nothing, Sir, can be more unsatisfactory—nothing can be more calculated to excite uneasiness and apprehension in the mind of every sincere lover of his country than the state of Ireland on the one hand, and the inactivity of the Government on the other. I have said, that the Government are impelled by conflicting and opposing elements; but those conflicting powers are not confined to without, but appear to be

felt even within the bosom of the Cabinet itself; and if that division which we hear of in public does exist, and if in consequence there should be a possibility of the dissolution of the Government, I feel bound to give them an explanation and modification of the opinion I expressed on a former occasion, because I think it but fair I should do so. The hon. Gentlemen opposite are pleased at times to attach some importance to things that fall from me—much more, I think, than they deserve. We were told not long ago that the low price of corn after the last harvest was owing to a prediction of mine in the early part of the year that the harvest would not be an abundant one, and that the farmers, having regard to that prediction, hoarded up their corn, thus causing afterwards that inundation which produced the low prices. I lately stated to the right hon. Gentleman opposite, that if they were to resign their power, the people of the country would invite them to resume it again. There have, however, lately been strong symptoms within these walls, which lead me to think that my anticipation may not have been altogether well-founded. I am, therefore, anxious that hon. Gentlemen opposite should not be led by any prediction of mine to act upon it, and, if there be that difference in the Cabinet which we had been told of, that they should not now trust to that prediction, and resign their offices in the confidence that they would be called back again by the voice of public opinion. This warning I feel bound in honour to give them. Sir, I have already upon the matters now under discussion, stated my opinion, and I shall not at this time of night enter into any detailed explanation of them. I have already stated with respect to the Repeal of the Union, that I consider it tantamount to a separation of the two countries, and tantamount to a dismemberment of the empire. I have stated my opinion that it would be not only disastrous to England, but most calamitous to Ireland, that it would be a most lamentable event for the interests of the civilized world; and I have now no hesitation in saying, that if the dreadful alternative were to be offered me, deeply as I should deplore the calamity of civil war, I should esteem the dismemberment of this great empire as a calamity greater still. But I am convinced that the Irish have grievances which are real, and which



admit of practical remedy. I am convinced, too, that many of them join in the agitation for the Repeal of the Union, and adopt that cry, as a conventional expression for their grievances; and if the Government and Parliament would fairly look to the state of Ireland, and adopt those remedies required to redress undeniable grievances, that no more would be heard of the demand for Repeal. By thus acting, you would render the whole empire united in sentiment and feeling, as well as by the bond of a legislative union. The only point on which the Government, as it seems to me, have held out the least intimation of an intention to look to some practical measure is the question most difficult of settlement—I mean the relation between landlord and tenant. The right hon. Baronet at the head of the Government did say, indeed, that that would be one of the questions he should take into consideration, to see whether any measure could be proposed to palliate the evils of the present system. I can only say, that if any such measure is proposed I shall be most happy to give it my most deliberate attention; and if any measure can be proposed on that subject which shall apply any remedy to the existing evils without trenching on the rights of property in Ireland, a great source of discontent and dissatisfaction will be removed. In the meantime, I should beg that public opinion may be directed with the utmost intensity against those landlords in Ireland whose conduct brings this question under discussion, and I hope that, after the unanimous expression of censure by all parties in this country, those persons who have the power of inflicting such extreme miseries on the peasantry born and bred on their estates, will abstain for the future from giving any cause of dissatisfaction on this head. Nothing, however, has been said by the Government which holds out the most distant prospect that any measure will be proposed on that which is the greater, and perhaps the greatest grievance of Ireland, and with a view to the relief of the condition of the Catholic and Protestant churches. I said the other night that I would not consent to the subversion of the Protestant Church in Ireland. The right hon. Baronet at the head of her Majesty's Government concurs with me in that opinion; but he went further, and though, if I understand him rightly, he claimed

my assent to his subsequent proposition, I beg leave to say, that in that which I stated on a former occasion, I distinctly stated the contrary of that which the Government themselves proposed; that is, not only that they will maintain the Protestant establishment in Ireland, but that they will maintain that establishment in its present position. I must take leave to say, that I think that the present amount of the Protestant Establishment in Ireland is susceptible of considerable diminution. I am astonished that the present Government should take grounds on the maintenance of the Protestant Church in its present extent, seeing that it was the noble Lord (Lord Stanley) who is going to reply to me, and who, I think, might have favoured the House at an earlier period of the evening, for the noble Lord is the only gun left undischarged on the Treasury Bench, who brought in the Church Temporalities Bill, by which the principle of reducing the Protestant Church was not only affirmed but carried to great extent, by which eight or ten bishoprics were abolished; and by which the suspended revenues of the Church were applied to the maintenance of the fabric of the Protestant Church, in order to relieve the Catholics from the payment of Church cess. I say, that in regard to that principle, no Government of which the noble Lord and the right hon. Baronet at the head of the Administration are Members can stand on the principle that you cannot touch the Church as it now stands. I am not prepared, nor is it necessary that I should be prepared, to state any precise extent to which any such reduction should be carried, but I would ask the Government, are there not parishes in Ireland in which there are not twenty Protestant parishioners—are there not parishes in Ireland in which there are not fifteen Protestant parishioners—in which there are not ten—in which there are not five—nay, in which there is not one Protestant parishioner? If there are such, then I say that nothing would be more just, nothing more fair, than that after the expiration of existing interests, the revenues of those parishes should be suspended and applied to other purposes connected with the general interests of the mass of the people in Ireland. I said on a former night that which I now repeat—that I do not think that the existence of the Protestant Church is

itself a grievance of which the Irish people should complain; but although in strict justice they cannot go so far as to raise such a ground of complaint, I say that when you look to the state of their own Church, you cannot be surprised that the state of the Protestant Establishment should excite in their minds feelings of the deepest dissatisfaction. Can it be possible that the Irish peasant, who lives in a cottage, cultivating his two or three acres of land, and supporting his family by the greatest efforts of industry, unable to obtain employment for his labour, and who is with difficulty able to pay his rent, should feel otherwise than dissatisfied when he finds that he is compelled to sacrifice some of the small earnings of his daily industry in order to pay his own religious instructor, when he sees the clergyman of another church comparatively well off, and yet having no spiritual duties to perform. I say that taking these men as they are—considering their case as if it were our own—it is impossible that we should not feel that this is a state of things which ought not to be allowed to continue. Well, then, how do I propose that you should alter it? I say, in the first place, suspend those livings in which really there is no duty to perform. In the act which was brought in by the noble Lord, that principle was, I think, established; because I think that it was provided that where it could be shown that no service had been performed during the last three years, there the revenues of the livings were suspended, on the principle that where there was no duty to perform in return for those revenues, the revenues ought to be given to the commissioners for those purposes which I have mentioned. But I say that if you will not, if you cannot, if it is not right that you should subvert and destroy the Protestant Establishment, raise the Catholic Establishment, endow the Catholic priesthood, do as my noble Friend (Lord Howick) has recommended, place the episcopacy of the Church on a fit footing, and endow the parish clergy. I have suggested a measure, to which I have heard as yet no objection raised, by which even if the country did not choose to incur any great expense to endow the Catholic clergy, something might be done to provide for them in other ways. Why not pass a measure, with regard to the Roman Catholic Church, authorising an endowment

by glebe; why should not the public grant some 300*l.* or 400*l.* for the building of glebe houses? Though that would fall very short of an entire remedy for the existing grievance, it would still have the best effect in satisfying the public feelings of the Catholics in Ireland, by improving the condition of their religious instructors. It may be true that the Government will not and cannot in this Session propose any great and comprehensive measure relating to the Catholic priesthood in general; but why not bring in such a measure as I have described? or if they are unwilling to introduce such a law, will they allow me or any other Member of this House to bring in such a bill, and engage that they will not make use of that majority which they possess in order to obstruct its progress? Then, again, as to Maynooth, I maintain that the amount granted to that establishment is far below that at which it ought to be placed. Not only should that establishment itself be increased, but an improvement should be effected in the allowance of exhibitions to persons after they leave that college—a measure which, I believe, would tend to place the Catholic clergy on a better footing, and would be satisfactory to the minds of the Catholics in Ireland. I will venture to say, that you will not find in any country in the world a state of things, with regard to religious sects, such as you find in Ireland. Take the case of Austria—a Catholic country. If I am not misinformed, there are parts of Austria in which the entire population of a parish are Protestants, and there, I believe, the Protestant clergy are provided at the expense of the State. In Bavaria the same rule exists; and in Belgium also, where the wants of the Anglican church, and even of members of the Jewish persuasion, are provided for by the State. In Prussia, a Protestant country, the same rule obtains. There the State provides not only for the Protestant, the Greek, and the Catholic churches, but for members also of the Jewish persuasion. I say, that in no country in the world will you find a population like that of Ireland, consisting of 8,000,000, of whom 6,000,000 and upwards are Catholics, where all the religious instruction of the majority of the people is left to be rewarded by contributions coming from the poorest and most destitute portion of the people. That is a grievance of an enormous character; but



it is a grievance which it is in the power of the Government to remedy, and for which, therefore, I hold that the Government are bound to provide a remedy. Then, again, look at the state of the electors and the elective franchise. By returns lately laid on the Table of this House, it appears that the whole number of electors of Ireland, both in counties and boroughs, does not amount to 110,000 persons—110,000 electors for a population of 8,000,000; and perhaps, the number who could properly be brought to the poll would be far less. But it is said by hon. Gentlemen opposite, “ You brought in the franchise, and it was the duty of those who prepared the Reform Bill to have taken care that the franchise should not be so diminished and restricted.” I do not admit that assertion. I cannot admit that it was our intention to limit the franchise in the way in which the judges of Ireland have limited it by their decisions. If I want to give a tenant of mine in Ireland a lease to qualify him to vote, I must give him for 10*l.* rent that which is worth 20*l.* Is that justice?—is it common sense?—is that the way in which the elective franchise is managed in this country? This necessarily tends to render it almost impossible that landlords should grant leases, unless leases of farms of a much larger amount; and from the great subdivision of holdings in Ireland, the number of those who might qualify as 10*l.* voters is far greater than the number of those who might qualify as a higher class of voters. This ought to be remedied, and it is in the power of Parliament to remedy it. I do not question the judgment of the judges in giving the interpretation they have given to the law; but if it be the interpretation of the law as it stands, then alter the law, and give to Ireland a practical franchise, and place the Irish electors truly on a level with the electors of this country. With regard to the municipal franchise, the inconvenience of that has been sufficiently described; and as it was the party opposite that so mutilated our bill as to raise unduly the amount of the municipal franchise in Ireland, nothing could be easier than for them to restore the franchise to the amount at which it originally stood. This being the state of Ireland, and these being the principal grievances of that country, which have been most amply and fully exposed by various speeches during the present debate,

we, nevertheless, have a Government either unable to form any opinion on these subjects, or else unwilling to hold out the slightest prospect to the people of Ireland that they are ready and prepared to take any step whatever to apply a remedy. Under these circumstances I do say that you (the Government) are not properly performing the duty which you undertook on coming into office. When out of office you said that your functions were functions of obstruction. It seems to me that you have forgotten the change of your position; for in the present debate, instead of proposing anything yourselves, you think you have sufficiently performed your duty by stating the grounds on which you mean to obstruct any proposition coming from this side of the House. When out of office you said it was not your duty to propose measures for the Government of the country; but you have been called in, and are now occupying places of responsibility. It is your duty to declare to this House what measures you intend to adopt, what course to pursue in a situation which your own conduct intimates to be one not only of anxiety, but of danger. Other topics have been adverted to in the course of the present debate (which I would rather pass by), as calculated to impress still further on the Government the urgent necessity of departing from this stand-still policy. It is a maxim in political affairs that you ought to distinguish between that which is merely difficult and that which is invincible. It may be difficult for the Government to devise measures calculated to meet the exigencies of the moment, but it is absolutely impossible to continue much longer in a state of inactivity. It is another great maxim in politics to know what is the proper time to do things. I say it is yet time to do that which the circumstances of the moment require; but this time may not last for ever. It is said in the physical world that wind and tide wait for no man. In like manner the tide of human affairs and of political events will not consent to wait for the inactivity of indecision of Cabinets; and if you do not by timely activity adopt such measures as the state of the country requires, you may find when too late that you have brought on the country dangers of so formidable a nature that you may be utterly unable to cope with them. I can fancy that a Government may be embarrassed by the feelings of those who sup-

port them. No doubt there is a party behind the right hon. Gentleman opposite who would not consent to those measures which I hold to be the duty of the Government to propose. There is a party among the supporters of the Government of whom that may be justly said which was applied by an eminent philosopher to another subject—viz., that they resemble a great cask moored on the stream of time, showing the progress and rapidity of the current which is daily leaving them behind. From such a party the Government might meet with opposition in respect to the measures which they might think it their duty to propose; but if the Government is fitted to the responsibility of the situation they voluntarily undertook to fill they ought to disregard any danger arising from such defections among their supporters; for they would meet with more than a corresponding support from this side of the House. But if the Government were to fail in their endeavours to pacify Ireland by acting on principles of equity and justice, I say, they would fail with honour, and their retirement from office, under such circumstances, would be far more creditable and more glorious than their continuance in office in the condition in which they at present stand. I am sure that highminded men would not allow measures calculated for the good of the country to depend on considerations connected with party support such as I have adverted to. I have no doubt that there are difficulties such as I have described which may paralyze for the moment that portion of the cabinet inclined to pursue a proper course. But it is impossible now to extract from the Government anything that can be construed by the people of Ireland into a ground of hope, still, I trust that those who may yet have to speak on this subject from the opposite bench may say nothing to drive that people to despair. If they would not hold out any hope let them at least preserve that which on another occasion I heard described as a merciful silence. Let them at least leave to the people of Ireland the expectation, that further consideration would lead to wiser decisions, and as the Government has properly abstained from proposing any measures of violence I trust that reflection will bring round that portion of the Government which is yet disinclined to the adoption of a wiser and juster course, and that if at the end of this

discussion we shall not hear anything more satisfactory with reference to this state of affairs, at least we may hope that when we meet again the Government will have matured measures taking the range of the various propositions raised in the course of the present debate, and thus be prepared to satisfy the just demands of the Irish people. Even in pursuing that course, and in waiting so long a time before they make an attempt to meet the existing evils, the Government would incur a heavy responsibility. I, for one, should be sorry indeed to incur such a responsibility—it is for them to consider it. They know the dangers which they run—dangers which are perhaps more extensive than have been pointed out and explained in the course of the debate. The Government of the country knows, and have the means well to consider the situation of the country, both at home and abroad; they have the means of knowing the full value and importance of tranquilizing Ireland, and of securing the affections and loyalty of the people of that country; and if any mischief should arise from the delay, on them the whole responsibility will rest, for no man will pretend to say that in the course of this debate they have not had full and adequate warning.

Lord Stanley: At this hour of the night, and after so protracted a debate, in which I had hoped I might have been spared the necessity of obtruding myself upon the attention of the House, I will confine my observations as shortly as possible to the subject immediately under discussion. I confess that I do not join in the regret and disappointment expressed by the hon. Member for Birmingham (Mr. Muntz), that this debate has not been more general in its character. The proposition before the House is for a committee to inquire into the state of Ireland—it is not for a committee to inquire into the state of the nation—nor is it for a committee of the whole House to inquire, as the hon. Member seemed to desire, into the state of the whole world, which, according to the statement of the hon. Gentleman, was going fast to rack and ruin. I shall not, therefore, attempt to follow the hon. Member for Birmingham, nor the hon. Member for Knaresborough, who had expressed a hope that the Government would state what they meant to do for England, for Ireland, for Scotland, and for Wales. The



questions and subjects raised by this debate are too numerous and too important to be treated summarily. I am bound, however, to confess, that the great portion of these subjects have been treated with singular temper, moderation, ability, and fairness; and particularly, I beg to pay this tribute to those hon. Members who come from a country in such a state of excitement as Ireland without doubt now is, and who have certainly brought none of that excitement in this debate; but, on the contrary, have fairly and temperately stated the evils and abuses under which, as they conceive, that portion of her Majesty's dominions now labours. The hon. Member for Knaresborough asks what is the object of the present motion; is it, says he, a motion of want of confidence in her Majesty's Government? As far as the hon. Member is concerned, he has given us distinctly grounds to infer that we are not to draw any conclusion as to his confidence in the Government by his supporting it. With respect to the object and intention of the motion I am utterly at a loss: to judge from the speech by which the motion was introduced, I should say that it was not a charge of want of confidence, but that it was a declaration on the part of the hon. Member for the county of Limerick, that for a long series of years the Government of England, under this and the previous Administration, had been insensible to the wants, forgetful of the claims, indifferent to the welfare, and careless of the country over which they had been called upon to govern. Such a motion conveys the opinion that the administration of the government of Ireland is not just nor impartial; and if the hon. Gentleman had brought forward his motion without his speech, I should have concluded that his motion was in truth a vote of want of confidence in the existing administration of Irish affairs; but the speech of the hon. Gentleman was not directed to the acts of the present Government, but to the acts and omissions of preceding Governments—it was a general denunciation of British authority—not confined to the Tories, the Whigs, the Conservatives, or the Radicals, but it conveyed that all parties had exhibited indifference, injustice, and partiality in Irish affairs. In this respect the motion was extremely convenient to the noble Lord who had just sat down,—to the noble Lord the Member for the city of

London, and to the right hon. Gentleman the Member for Edinburgh, because the noble Lord and the right hon. Gentleman might well say to each other, "Oh, this is a charge against the existing Government; the motion will do very well for you and me to join in an attack upon the present Government as being unworthy to hold the reins of power." If I am asked what will be the practical result which will arise from carrying the present motion, which it is admitted frankly and fairly was for an inquiry at the Bar of the House, or in committee of the whole House,—if I am asked what will be the result of such a proceeding late in the month of July,—when I am told we are approaching (and I am delighted to hear it from hon. Members opposite) the close of the session, I reply, that it would be a solemn mockery. Suppose we went into committee of the whole House, what are the resolutions which the hon. Member for Limerick proposed to move. [Mr. W. S. O'Brien: "Go into committee and I will tell you."] That reply may be very well; but, admitting the state of Ireland to be critical—admitting it to require deep, anxious, and unremitting attention on the part of those responsible for the administration of the Irish Government, it is complained that we did not come forward with some sweeping measure—with some great panacea—in short, that we do not distinguish ourselves by exhibiting, as the noble Lord, the Member for Newark recommended the energy, of Strafford. The hon. Member for Bridport, in like manner, called upon the Government to manifest the same energy as Sextus Tarquinius, who walking in his garden cut off the heads of all his poppies. The hon. Member for Bridport says, that these meetings in Ireland are illegal, or very nearly so; and he recommends the adoption of the example of Sextus Tarquinius. Now, before I consent to cut off heads in Ireland, I must be satisfied that something more is going on in that country than is proved by the supposition that certain proceedings are very nearly if not quite illegal. The noble Lord and hon. Gentlemen opposite charged the Government with not having taken more energetic measures. We complain also of the want of energy, but we do so on other grounds. Why should we have taken stronger or more active measures than our predecessors? You say that nothing could have been more easy—

the question, you add, would be settled in ten minutes. [Lord *J. Russell*: "No; ten days."] Very well; ten days. But it has been truly said, in the progress of the present discussion, by hon. Members on the opposite side of the House, that Ireland's complaints are of three characters—political, religious, and social. I admit the distinction, and I admit the evils arising from each; but I believe, that out of all those out of which it was convenient for the Members of the late Administration to make the most, the political evils of Ireland were the most prominent. The noble Lord says, with regard to the political evils which he charges against the Government, with regard to the deficiency and falling-off of the number of electors in Ireland, that her Majesty's Government have held out no expectations of any amelioration of this evil. I thought, if words could speak plainly, that the words of my right hon. Friend, the Secretary of State for the Home Department, which he distinctly stated at the commencement of the Session,—

"That we observed, and with regret, that not from the operation of any new law, though that might tend to such a result, but from other causes, not arising from the law—partly from the disinclination of landlords to grant leases—there was a great and growing diminution in the county electors of Ireland."

We stated farther, that we regretted to see it, and that the diminution of the numbers of these electors was far from being wished by her Majesty's Government, and if we had brought forward no bill on this subject it was mainly on this ground, that any introduction of a bill on a principle analagous to that of England, and extending the construction of the English law to Ireland, would have a tendency to reduce the amount of the constituency yet farther; which evil we were anxious to meet by an alteration in the franchise—that franchise depending on a valuation which we had found so inaccurate, that it was impossible to rest upon it. But in the bill which my noble Friend introduced at an early period of the Session there were provisions for amending the Poor-law of Ireland, which would bear on the system of valuation, and would afford the Government a safe basis on which to found and grant an alteration in the franchise. That bill was brought forward at an early period of the Session. Then says the noble Lord,—

"Why don't you postpone your other measures, and pass your Poor-law Amendment Bill? pass that through committee; as to your Arms Bill, put that off, of course"

The noble Lord did not advert to the fact, that the Arms Bill expires at the end of the Session; and by the noble Lord's own confession it was necessary to renew it, even after the Poor-law Amendment Bill should have passed. And after the House shall have assented to the Poor-law Amendment Bill, I cannot concur in the noble Lord's opinion, that so soon as that bill shall have passed so soon shall we be capable of judging what effect that bill will have on the valuation, and of the effect of this valuation on the constituency of Ireland; and I say, that to proceed with a measure so extensive and important as a bill to alter the elective franchise of that country in a period of ten days, after having settled the basis of the future valuation, would be an exertion of energy which would be, in my mind, a measure of great imprudence and recklessness. Then the noble Lord says, why not bring forward a measure on the subject of the Protestant Church of Ireland? Is that a measure which the noble Lord has felt the necessity of? Nay, but the Government are charged with a want of energy—with doing nothing, because they have not brought forward measures to meet those which are alleged to be the great and moving grievances of Ireland—those measures being the state of the elective franchise, the state of the Protestant Church, and the relations of landlord and tenant. These are the subjects on which the Government are charged with a want of energy, because they do not come forward with measures to meet your objections. But what are your objections with respect to the subject of the Irish Church? Are any five among you agreed? What is it you desire? What is it that those who are the leaders of the agitation in Ireland desire, without which they tell you no measure which you can propose shall satisfy the people of Ireland and put down the agitation which now prevails? It is the extinction of the intrusive Church; and the hon. Member for Bath, and the hon. Member for Sheffield, and some other hon. Members who have had the manliness and fearlessness to state it, have said, "Put down the Protestant Church in Ireland entirely—consider if you please existing interests,



but abolish the intrusive Church. Until it is abolished Ireland will not be contented." Well, what do the two noble Lords propose? Why, they don't propose to abolish the intrusive Church. What says the noble Lord who has just sat down? He says,—

"The Protestant Church is still capable of considerable reduction; and he says he does not understand how I, who introduced the Church Temporalities Bill, can object to the alienation of Church property, and to taking a slice from the Irish Church."

I should have thought, considering I was once a colleague of the noble Lord, and considering, that on this very principle I sacrificed what to me was of very little value—office and power, and sacrificed to some extent—I hope not altogether—what to me was of much greater value, the intimate friendship of many of those Gentle men whom I have the honour to see on the other side of the House; considering I made these sacrifices without hesitation, because on the ground of principle, I do not understand the noble Lord's thinking that I can have no difficulty in assenting now to the alienation of church property in Ireland. Sir, the noble Lord tells me, that if her Majesty's Government, setting aside their own views and opinions, looking to the state of Ireland, and bowing to the supposed necessity of the case, will throw over their own view—"true," says the noble Lord, "you may forfeit the support of those beside you, but we are quite ready to promise you the fair and candid support of those on this side of the House." The experience of the late Government does not encourage me to think that the Government which rests on the forbearance and support of its opponents is placed in a very enviable position. The noble Lord says that high minded men would consider this circumstance as trifling, and at once throw over the Government for the purpose of carrying these objects. I say that no high-minded man would hesitate for an instant to sacrifice his situation in the Government for the purpose of securing the peace and the good of the country; but, the high-minded man in this case would sacrifice at once his Government and his principles for the purpose of supporting that which he believed to be mischievous. What says the noble Lord the Member for Tiverton? "I propose to establish the principle of equality between the two countries; I don't desire to de-

stroy the Church of Ireland, far from it; I mean to curtail it of some of its present dimensions. "I mean," says the hon. Member for Liskeard, "I mean to remove the evil of an intrusive priesthood by placing the two churches on an equality." What do you mean by an equality? Now first, how far do you expect to satisfy your opponents by this miserable concession—miserable in point of amount—important in point of principle? Says the noble Lord, "You have by your former bill suspended the appointment of priests where no duty had been performed for three years previously." Yes, but you made the provision that if there should be but one Protestant in these parishes, although the incomes of the benefices were to be sacrificed, they were to be appropriated in the first instance to the endowment of the poorer churches belonging to that parish, and if but one Protestant were there, that the neighbouring clergyman should receive a portion of the living for the purpose of attending to the spiritual welfare of that Protestant. But suppose the noble Lord's principle adopted, and that in parishes where there were not ten or twenty, or thirty Protestants, you confiscated the living to Roman Catholic purposes; in the course of some twenty years you would have some 30,000*l.* a-year applicable to the Roman Catholic church. Do you think that that would give any satisfaction at all to the Roman Catholics of Ireland? It might in this way, that it had broken in on your establishment, and made the way to be seen for other steps in that direction. But do you think it would stop agitation and meet the cry of an "intrusive priesthood?" But the noble Lord gave us a very elaborate picture of the injustice and hardship of the labourer being compelled to contribute a portion of his earnings to support this priesthood. In doing this the noble Lord drew considerably on his imagination. He must know as well as I do, that at this moment not a single shilling of the charge falls on any labourer, or even on any farmer throughout the length and breadth of the land, but that this charge falls on the landlord alone; and if anything is drawn from the scanty pittance of the labourer—it is not drawn for the purpose of paying the Protestant clergy; it may be drawn for the exorbitant and hard landlord. But the noble Lord proceeds, and says, he contends for the principle of equality. I

do not know whether the revenue of 'the present Irish church should be divided equally between the Protestant and Roman Catholic clergy, or whether a revenue of equal amount was to be raised for the latter. But the principle of equality goes further. My right hon. Friend the other night went in great detail through the natural consequences of equality. The noble Lord said he meant to apply it not to the clergy, but to the bishops also. My right hon. Friend pointed out that the natural conclusion must be the placing of the Roman Catholic bishops in the House of Lords. My right hon. Friend said—I am prepared to carry out the principle of equality to its natural and legitimate end.' Supposing this country to consent so far to alter the constitution as to take the first step, and set aside the act of settlement, supposing there were perfect equality and perfect indifference with regard to what religion any man within the country holds, does the noble Lord mean to say that the principle of equality would be practically introduced? Let him ask the hon. Member for Kildare, who said the other day distinctly and plainly, with regard to the Roman Catholic church, "Do not talk to me of your concordat with the Pope; any concordat which gives to the Protestant Sovereign or Government any right of interference with the civil rights of the Roman Catholic church will not only be received then as no concession, but no authority, spiritual or temporal, will confirm such a concordat. Is this the principle of equality, then? The Roman Catholic priesthood is to be endowed by the State, and paid by the State, and the hierarchy is to be admitted into the Legislature as members. ["No, no."] But that is the principle of equality. They must sit in the House of Lords. Hon. Gentlemen may say "God forbid." But the noble Lord is prepared for the principle of equality. Do not let us stop short. Before we take the first step, let us see what it will lead to. If you take the step with a view to satisfaction, see that it will satisfy. As it is the first step mark the consequences. I say, according to the noble Lord's admission, the legitimate conclusion of the doctrine of equality is the right to sit in the House of Lords for the Roman Catholic bishops, who are not appointed or selected by the Crown, but by a foreign power, refusing for them or for their clergy the interference of the

Protestant Government with any of their temporal rights. Now, with every wish, which I hope in my own neighbourhood in Ireland I have shown not to be a mere expression of words, that the Roman Catholic clergy should be placed on a comfortable and satisfactory footing, I am willing to recognise them with advantage upon my own property as a landlord, and desirous that they should remain as long as they exercise their spiritual functions. I do say, that I am not prepared upon the principle of equality to admit that which I contend is, and which I think the country will consider it, not a nominal equality, but a practical difference beginning with the overthrow of the Protestant clergy, and ending in the real supremacy of the Roman Catholic priesthood. I hope, that although I have spoken strongly and plainly upon this question, I have not said anything which can be deemed offensive to any members of that community, against whose admission to all the privileges the noble Lords contended for, I feel it my duty humbly to protest. But an hon. Gentleman has adverted to language which has appeared in the public papers, and talked of me as one who had encouraged it, as being a promoter of certain societies, and as having stigmatized the Roman Catholic priesthood and describing the late Administration as the "minions of Popery." I trust that even at this late hour I may be permitted to refer to that portion of a speech of mine, to which the hon. Gentleman evidently refers. In the course of a debate in the year 1840, the hon. Member for Sheffield had stated that I had used some expressions upon the hustings in which the late Government were designated as the "minions of Popery." The hon. Gentlemen the other night added, that I had taken upon myself to be the sponsor of Mr. M'Ghee and Mr. M'Neile, and called them most wise and discreet members of the clergy of this country. In that speech, this was the notice I took of the hon. Gentleman's charge:—

"When the hon. Gentleman seeks to connect the great body of the party on this side of the House with those extreme opinions which he says he has heard, when he talks of speeches we have never even heard, I say I never heard one of those speeches. I, indeed, on one occasion, and on one only, met one of those gentlemen who, I believe, have been particularly alluded to—I mean the rev. Mr. M'Neile; and I am bound to say that a more



eloquent, sincere, and moderate speech, and one more free from bigotry, and one in which I could more readily concur, than that which he then delivered I never heard."

The House will see, then, how far I can by a fair interpretation of this language, be made responsible for all that was said by him or other hon. Gentlemen. And with regard to public associations, so far from encouraging them, I never was a member of any one political association of any sort or kind; I never, to the best of my belief, attended any political or polemical public meeting; I have abstained from principle, disapproving of such meetings; and I think it is rather hard that I should be connected with any such charge. But the hon. Gentleman asked me, if I did not mean to repeal the Catholic Emancipation Act? He said,

"If you do not mean to repeal that act, what do you mean by a Protestant Government?"

I answered that question in this way:—

"I will tell the hon. Gentleman what we mean. I, as a Protestant, tell the hon. Gentleman that this country is by constitution a Protestant country—that the Sovereign is, by the constitution, a Protestant Sovereign—that the Church Establishment of the country is a Protestant Establishment. What we mean by Protestant Government is—that the Members of the Government are not to be, to quote the words of an hon. Member opposite, the 'minions of Popery.' The words are not mine, but the hon. Member's opposite. To him they belong, for he made use of them [Mr. Ward: They were Mr. Thesiger's.] Be it so: they do quite as well. Sir, there is a great difference between being the minions of Popery, in the sense in which I have used the term, and the determination to give to all her Majesty's Catholic subjects their rights and privileges. These I will maintain, but I will not forget that I am a Protestant subject of a Protestant Sovereign, and that I belong to a Protestant country; and I will not by any word or deed, private or public, endanger the security of the Protestant Establishment."

After that declaration, which I hope is not offensive, and which was very sincere, and to which I am bound to say I still adhere, it is rather hard that I should be charged by the hon. Gentleman with a desire to use violent or irritating language with regard to the Roman Catholics. I owe an apology to the House for having enlarged upon this subject. I will not now enter upon other questions; that, for instance, upon which the hon. Member for Liskeard says, he cannot state an positive

opinion as to what should be done, and yet says we must do something—the relation between landlord and tenant. I consider that of the three classes of evils that form the complaints of Ireland—the causes of political excitement, next the causes of religious excitement, and next the more substantial evils which affect their social condition,—the latter are the most serious and therefore the most difficult for the Legislature to deal with, because they are subjects of the greatest delicacy. It is necessary for any Legislature to act with great care and deliberation in dealing with that which they are bound to hold sacred—the rights of property. I admit with you, that if property has its rights, it has its responsibilities also. If you can prove to me that, as a body, the landlords of Ireland, where they have the power, do not apply it as fairly, and honestly, and liberally as the landlords of England—if you can substantiate this charge against a class, you have laid the ground for the interference of the Legislature for the protection of the tenant, and for examining into the state of the law of property as between England and Ireland. But many considerations are involved; the faults are not all on one side; the vice of the system causes a re-action. An hon. Gentleman has stated fairly and truly, that under the present state of things neither landlord nor tenant, with leases or without leases, has the control he ought to have over the property with which he is connected. I know that, practically, there is more difficulty in Ireland in enforcing the rights of the landlord than there is in this country. There is undoubtedly great force in the observation of the hon. Member for Liskeard, that the absence of efficient laws relating to the poor, makes a material difference with respect to the landlord's enforcement of his rights; but, on the other hand, I must say that, not only is there extreme difficulty in enforcing rights on the part of the landlord in Ireland, but that the relative positions of landlords and tenants are such as to impede those improvements which, without depopulating the country, a wise and judicious landlord might wish to introduce, but which, from the attachment of the Irish to the land of their forefathers, a landlord in that country finds it very difficult to introduce. In England you inquire as to the circumstances of a tenant entering into possession, and if,

after an occupancy of a term of twenty-one or any other number of years, you find upon inquiry that he is unable to manage the land you have leased to him, you do not hesitate to say to that tenant, "I will give you a smaller farm, better suited to your means;" and the offer thus made is almost in every case thankfully accepted. But Sir, this is not the case in Ireland. Seek to remove a tenant of small means from a farm of sixty acres to another of thirty acres—seek to put a man of capital into possession of a large farm which has been held by a tenant who, perhaps, is nearly bankrupt, and it happens in Ireland, I do not say that it is natural, but I say it happens, that what is here an every day proceeding, in Ireland is to be atoned for by bloodshed, or at least will excite the ill-will of the people, and keep a whole district in a state of ferment for several successive years. I state these things, be it remembered, not in any way as against the tenantry of Ireland generally. Personally, I have great reason to know, because I have tested their attachment. Differing in religion as I do—differing in politics as I do from the great body of my Irish tenantry, I have nevertheless received marks of attachment from them individually and collectively which I should be most ungrateful if I did not acknowledge. But, Sir, I do think that this subject of the state of the landlord and tenant in Ireland is a subject worthy of a calm and temperate consideration, and I do not hesitate to say, that if the hon. Member had in the early part of the session moved for a committee to take this subject in all its bearings into consideration, I for one should most cordially have supported his proposition. With respect, however, to any other course, I certainly am not prepared to say, on the part of the Government, that we intend to introduce any measure to meet the difficulties of the case, and with regard to the proposal of the noble Lord opposite, that we should devote the recess to the consideration of these subjects, and should be prepared next session to introduce some remedial measures to the notice of Parliament, I must say, that I think it would be most unwise of any Government to give a pledge calculated to raise expectations, the disappointment of which would only aggravate the evil. Sir, I know that I have already occupied too much of the time of

the House, but there are some other point on which I should really be sorry if an erroneous impression went abroad. It has been said, that for many years past Parliament has been inattentive to the interests of Ireland. Why, in the year 1830, there were no less than nineteen important measures before us relating to that country. Since that time no less than eighteen of those measures have been carried. During even the last session did the present Administration show any inattention to the wants of Ireland? The hon. Gentleman the Member for Rochdale said the other night, that one great object which it was desirable to effect in Ireland was the reclaiming of land. Why, one of the measures proposed and carried last year was a most important Act proposed by my noble Friend the Secretary for Ireland, on the subject of drainage and the reclaiming of lands generally. Another measure respecting Ireland which was also carried in the last session, was an act to assimilate the criminal law of that country with that of England. A third related to the important question of Irish fisheries, and a fourth to the subject of lunacy. Here, then, are four Irish measures which were introduced and carried only in the last session. We do not profess now to have any panacea for all the grievances of Ireland; but this we do say, that if this House and the country continue to afford us the confidence with which we have hitherto been honoured, despite the "raised expectations" of the noble Lord, of which I remember to have seen something in the *Morning Chronicle* very similar to what we have now heard from his own lips—if we have not our path impeded by persons who profess to be our own supporters—by parties who complain of want of energy, but tell us in the same breath, that the only part of their business is to complain—despite, I say, the noble Lord's "raised expectations," if we have not to encounter these impediments, I, for one, do not despair, even in the present state of Ireland, which, I own, is a subject of regret—I say, I do not despair that, not by "a system of doing nothing," but keeping within the limits of the law, acting honestly, fearlessly, and justly, not seeking to offend, but at the same time not timidly giving way to those who wish to have unreasonable expectations gratified, neither yielding to the one party nor the other, but maintaining a steady course—I say I



do not despair that so acting we may, despite the noble Lord's expectations, conduct this great empire through the present crisis, critical as it may be, critical as it is—but, on the other hand, if we so far lose the confidence of the House that some of those by whose support we were raised to power think it right to increase our difficulties and embarrassments by insinuating a dislike, or more openly stating a want of confidence,—then I say, if the difficulties of the Government are to be made still more embarrassing by such speeches, and if that, indeed, be the view taken by a large party within and without these walls, then I think the sooner that view is stated openly the better; then I think it is high time that we should resign our posts to those who are most deserving to succeed us; and I for one will bow to such a fiat, and in the state in which the country now is should consider it my bounden duty to give my support to such a ministry as should be formed upon the fall of this. For my part, I own that I do not anticipate any such result. I anticipate that, honoured by the support and confidence of those who raised us to power, and in no way shrinking from the responsibilities of our position, we shall be enabled calmly to take that course which the necessities of the case may appear to require, and which, in the opinion of a united Cabinet, to one Member of which the noble Lord paid a high tribute the other night, forgetting, perhaps, that the noble Duke is now advising in that Cabinet of which the noble Lord has told us to-night of strange rumours; but certainly I have heard of no tale so strange as is now insinuated—that the name, the authority, the character, and the experience of the Duke of Wellington have not their influence in any Cabinet which has the honour to number him among its members. Sir, speaking in behalf of that Cabinet, I venture to say that if we are honoured by the confidence of the country, we will fearlessly, conscientiously, and honestly proceed in the discharge of our duty, taking such steps as may to us seem necessary for the welfare of the empire at large, but not consenting to be driven by any clamour from any quarter into the precipitate adoption of measures of which, in our consciences, we cannot approve.

Mr. W. S. O'Brien having replied amidst great noise, and calls for a division, which

rendered his observations inaudible, the House divided — Ayes 164; Noes 243: Majority 79.

*List of the AYES.*

Aglionby, H. A.	Gibson, T. M.
Ainsworth, P.	Gisborne, T.
Aldam, W.	Gore, hon. R.
Armstrong, Sir A.	Greenaway, C.
Arundel and Surrey, Earl of	Grey, rt. hon. Sir G.
Bannerman, A.	Grosvenor, Lord R.
Baring, rt. hn. F. T.	Hall, Sir B.
Barnard, E. G.	Hallyburton, Ld. J. F.
Barron, Sir H. W.	Hastie, A.
Bell, J.	Hatton, Capt. V.
Berkeley, hon. C.	Hawes, B.
Berkeley, hon. Capt.	Heneage, E.
Berkeley, hon. H. F.	Hill, Lord M.
Bernal, R.	Hindley, C.
Bernal, Capt.	Holland, R.
Blake, M. J.	Horsman, E.
Blewitt, R. J.	Howard, hn. C.W.G.
Bowring, Dr.	Howard, hon. J. K.
Brotherton, J.	Howard, Lord
Browne, hon. W.	Howard, P. H.
Buller, C.	Howard, hon. H.
Busfield, W.	Howick, Visct.
Byng, G.	Hume, J.
Byng, rt. hon. G. S.	Hutt, W.
Carew, hon. R. S.	Jervis, J.
Clay, Sir W.	Johnson, Gen.
Clements, Visct.	Labouchere, rt. hn. H.
Clive, E. B.	Langston, J. H.
Cobden, R.	Langton, W. G.
Cochrane, A.	Leveson, Lord
Colebrooke, Sir T. E.	Listowell, Earl of
Collett, J.	Lord Mayor of Lon- don
Collins, W.	Macaulay, rt. hon. T.B.
Corbally, M. E.	McTaggart, Sir J.
Craig, W. G.	Mangles, R. D.
Crawford, W. S.	Manners, Lord J.
Currie, R.	Martin, J.
Curtis, H. B.	Martin, T. B.
Dalrymple, Capt.	Matheson, J.
Dennistoun, J.	Mitcalfe, H.
D'Eyncourt, rt. hn. C.T	Mitchell, T. A.
Duff, J.	Morris, D.
Duke, Sir J.	Morison, Gen.
Duncan, Visct.	Muntz, G. F.
Duncan, G.	Norreys, Sir D. J.
Duncombe, T.	O'Connell, M. J.
Dundas, Adm.	O'Ferrall, R. M.
Easthope, Sir J.	Ogle, S. C. H.
Ebrington, Visct.	Ord, W.
Ellice, rt. hon. E.	Oswald, J.
Ellice, E.	Paget, Col.
Elphinstone, H.	Palmerston, Visct.
Esmonde, Sir T.	Parker, J.
Ewart, W.	Pechell, Capt.
Fielden, J.	Philips, G. R.
Ferguson, Col.	Phillips, Sir R. B. P.
Ferguson, Sir R.	Plumridge, Capt.
Ferrand, W. B.	Ponsonby, hn. C.F.A.
Fitzroy, Lord C.	Power, J.
Forster, M.	Protheroe, E.
Fox, C. R.	Pyrie, P.

Pulsford, R.  
 Ricardo, J. L.  
 Rice, E. R.  
 Roche, Sir D.  
 Roche, E. B.  
 Ross, D. R.  
 Russell, Lord J.  
 Russell, Lord E.  
 Scholefield, J.  
 Scrope, G. P.  
 Seymour, Lord  
 Smith, B.  
 Smith, J. A.  
 Smith, rt. hn. R. V.  
 Smythe, hon. G.  
 Standish, C.  
 Stanton, W. H.  
 Stewart, P. M.  
 Stuart, W. V.  
 Thornely, T.  
 Towneley, J.  
 Trelawny, J. S.  
 Turner, E.

Vane, Lord H.  
 Villiers, hon. C.  
 Vivian, hon. Capt.  
 Wakley, T.  
 Walker, R.  
 Wall, C. B.  
 Wallace, R.  
 Ward, H. G.  
 Wawn, J. T.  
 Wemyss, Capt.  
 Wilde, Sir T.  
 Williams, W.  
 Wilshere, W.  
 Wood, B.  
 Wood C.  
 Wood, G. W.  
 Worsley, L.  
 Wrightson, W. B.  
 Yorke, H. R,

TELLERS,  
 O'Brien, W. S.  
 Wyse, T.

*List of the NOES.*

Acland, Sir T. D.  
 A'Court, Capt.  
 Adare, Visct.  
 Adderley, C. B.  
 Alford, Visct.  
 Allix, J. P.  
 Antrobus, E.  
 Arbuthnot, hon. H.  
 Arkwright, G.  
 Ashley, Lord  
 Astell, W.  
 Attwood, M.  
 Bagge, W.  
 Bagot, hon. W.  
 Bailey, J.  
 Bailey, J. jun.  
 Baillie, Col.  
 Baillie, H. J.  
 Baldwin, B.  
 Balfour, J. M.  
 Bankes, G.  
 Baring, hon. W. B.  
 Barrington, Visct.  
 Bateson, R.  
 Beckett, W.  
 Beresford, Maj.  
 Bernard, Visct.  
 Blackburne, J. I.  
 Blackstone, W. S.  
 Blackmore, R.  
 Bodkin, W. H.  
 Boldero, H. G.  
 Borthwick, P.  
 Botfield, B.  
 Boyd, J.  
 Bramston, T. W.  
 Broadley, H.  
 Broadwood, H.  
 Brooke, Sir A. B.  
 Brownrigg, J. S.  
 Bruce, Lord E.

Buck, L. W.  
 Buckley, E.  
 Buller, Sir J. Y.  
 Bunbury, T.  
 Burrell, Sir C. M.  
 Burroughes, H. N.  
 Campbell, Sir H.  
 Cartwright, W. R.  
 Chapman, A.  
 Chapman, B.  
 Chelsea, Visct.  
 Chetwode, Sir J.  
 Cholmondeley, hn. H.  
 Christopher, R. A.  
 Chute, W. L. W.  
 Clayton, R. R.  
 Clerk, Sir G.  
 Clive, Visct.  
 Codrington, Sir W.  
 Collett, W. R.  
 Colquhoun, J. C.  
 Compton, H. C.  
 Corry, rt. hon. H.  
 Courtenay, Lord  
 Cresswell, B.  
 Cripps, W.  
 Damer, hon. Col.  
 Darby, G.  
 Dawnay, hon. W. H.  
 Denison, E. B.  
 Dick, Q.  
 Dodd, G.  
 Douglas, Sir H.  
 Douglas, Sir C. E.  
 Douro, Marq. of  
 Dowdeswell, W.  
 Duncombe, hon. O.  
 East, J. B.  
 Eaton, R. J.  
 Egerton, W. T.  
 Eliot, Lord

Escott, B.  
 Estcourt, T. G. B.  
 Fielden, W.  
 Filmer, Sir E.  
 Fitzmaurice, hon. W.  
 Flower, Sir J.  
 Follett, Sir W. W.  
 Forester, hn. G. C. W.  
 Fox, S. L.  
 Gaskell, J. Milnes  
 Gladstone, rt. hn. W. E.  
 Gladstone, Capt.  
 Gordon, hon. Capt.  
 Gore, M.  
 Gore, W. O.  
 Gore, W. R. O.  
 Goring, C.  
 Goulburn, rt. hon. H.  
 Graham, rt. hn. Sir J.  
 Granby, Marq. of  
 Greenall, P.  
 Greene, T.  
 Grimston, Visct.  
 Grogan, E.  
 Hale, R. B.  
 Halford, H.  
 Hamilton, J. H.  
 Hamilton, G. A.  
 Hampden, R.  
 Harcourt, G. G.  
 Hardinge, rt. hn. Sir H.  
 Hayes, Sir E.  
 Heaneage, G. H. W.  
 Henley, J. W.  
 Henniker, Lord  
 Hepburn, Sir T. B.  
 Herbert, hon. S.  
 Hervey, Lord A.  
 Hinde, J. H.  
 Hodgson, F.  
 Hodgson, R.  
 Holmes, hon. W. A' C.  
 Hope, hon. C.  
 Hope, A.  
 Hope, G. W.  
 Hornby, J.  
 Hughes, W. B.  
 Hussey, T.  
 Ingestrie, Visct.  
 Inglis, Sir R. H.  
 Irving, J.  
 Jermyn, Earl  
 Jocelyn, Visct.  
 Jolliffe, Sir W. G. H.  
 Jones, Capt.  
 Kelly, F. R.  
 Kemble, H.  
 Knatchbull, rt. hn. Sir E.  
 Knight, H. G.  
 Law, hon. C. E.  
 Lawson, A.  
 Lefroy, A.  
 Lennox, Lord A.  
 Liddell, hon. H. T.  
 Lincoln, Earl of  
 Lockhart, W.  
 Lowther, J. H.

Lowther, hon. Col.  
 Lygon, hon. Gen.  
 Mackenzie, T.  
 Mackinnon, W. A.  
 Maclean, D.  
 McGeachy, F. A.  
 Mahon, Visct.  
 Marsham, Visct.  
 Martin, C. W.  
 Masterman, J.  
 Maxwell, hon. J. P.  
 Meynell, Capt.  
 Mildmay, H. St. J.  
 Miles, P. W. S.  
 Milnes, R. M.  
 Mordaunt, Sir J.  
 Morgan, O.  
 Murray, C. R. S.  
 Neeld, J.  
 Neeld, J.  
 Neville, R.  
 Newdigate, C. N.  
 Newry, Visct.  
 Nicholl, rt. hon. J.  
 Norreys, Lord  
 O'Brien, A. S.  
 Owen, Sir J.  
 Packe, C. W.  
 Paget, Lord W.  
 Packington, J. S.  
 Palmer, R.  
 Patten, J. W.  
 Peel, rt. hon. Sir R.  
 Peel, J.  
 Pennent, hon. Col.  
 Polhill, F.  
 Pollington, Visct.  
 Pollock, Sir F.  
 Powell, Col.  
 Praed, W. T.  
 Pringle, A.  
 Rashleigh, W.  
 Reid, Sir J. R.  
 Repton, G. W. J.  
 Richards, R.  
 Rolleston, Col.  
 Rose, rt. hn. Sir G.  
 Round, J.  
 Rushbrooke, Col.  
 Russell, C.  
 Russell, J. D. W.  
 Sanderson, R.  
 Sandon, Vist.  
 Scarlett, hon. R. C.  
 Scott, hon. F.  
 Seymour, Sir H. B.  
 Sheppard, T.  
 Shirley, E. J.  
 Sibthorp, Col.  
 Smith, A.  
 Smith, rt. hn. T. B.  
 Somerset, Lord G. C.  
 Spry, Sir S. T.  
 Stanley, Lord  
 Stewart, J.  
 Stuart, H.  
 Sturt, H. C.



Sutton, hon. H. M.  
Talbot, C. R. M.  
Taylor, E.  
Thompson, Ald.  
Tennent, J. E.  
Thornhill, G.  
Tollemache, J.  
Tomline, G.  
Trench, Sir F. W.  
Trollope, Sir J.  
Trotter, J.  
Tyrell, Sir J. T.  
Vernon, G. H.  
Vesey, hn. T.  
Vivian, J. E.

Walsh, Sir J. B.  
Welby, G. E.  
Wellesley, Lord C.  
Whitmore, T. C.  
Wilbraham, hn. R. B.  
Wodehouse, E.  
Wood, Col.  
Wood, Col. T.  
Wortley, hon. J. S.  
Wynn, Sir W. W.  
Yorke, hon. E. T.  
Young, J.

## TELLERS.

Fremantle, Sir T.  
Baring, H.

*Paired off.*

## AYES.

Grainger, T. C.  
Westenra, hon. J.  
Vivian, J. H.  
Berkeley, hon. G.  
Maule, hon. F.  
Etwall, R.  
Hay, Sir A. L.  
Maher, V.  
Cave, hon. R. O.  
Murphy, J. S.  
Shelburne, Lord  
Pendarves, E. W.  
Rawdon, Col.  
Tancred, H. W.  
Fleetwood, Sir H.  
Hayter, W. T.  
Hobhouse, Sir J.  
Somerville, Sir W.  
Phillpotts, J.  
Traill, G.  
Leader, J. T.  
Cavendish, hon. G.  
Acheson, Lord  
Childers, J. W.  
Tuite, H. M.  
Ellis, W.  
French, F.  
Layard, Capt.  
Cavendish, hon. C.  
O'Connor, Don  
Heron, Sir R.  
Dawson, hon. T. V.  
Morrison, J.  
James, W.  
Dundas, hon. J.  
Heathcoat, J.  
Marshall, W.  
Johnstone, A.  
Cayley, E. S.  
Pigot, D. R.  
Bowes, J.  
O'Brien, J.  
Stanley, hon. W. O.  
Cavendish, hon. C.  
Dundas, F.  
Drax, J. S.  
Denison, J. E.  
Evans, W.  
Dalmeny, Lord

## NOES.

Archdale, M.  
Ashley, hon. H.  
Baird, W.  
Barneby, J.  
Bell, M.  
Bentinck, Lord G.  
Bruce, C.  
Bruen, Col.  
Burdett, Sir F.  
Cardwell, E.  
Charteris, S.  
Clive, hon. R.  
Cole, hon. A.  
Colville, C.  
Coote, Sir C.  
Copeland, Mr. Ald.  
Davies, D. S.  
Dickenson, F. H.  
Douglas, J. S.  
Drummond, H.  
Duffield, T.  
Du Pre, C. G.  
Eastnor, Lord  
Egerton, Sir F.  
Emlyn, Lord.  
Farnham, E. B.  
Fitzroy, hon. H.  
Forbes, W.  
Fuller, A. E.  
Glynne, Sir S.  
Hamilton, W. J.  
Hamilton, Lord C.  
Hogg, J. W.  
Irtton, S.  
Ker, D.  
Kerrison, Sir E.  
Knightley, Sir C.  
Lindsay, H. H.  
Long, W.  
Lopes, Sir W.  
Lyll, G.  
Mackenzie, W. F.  
Mainwaring, T.  
Manners, Lord C.  
Master, T. W.  
Maunsell, T. P.  
Miles, W.  
Mundy, E. M.  
Palmer, G.

## AYES.

Troubridge, Sir T.  
Philipps, M.  
Christie, W. D.  
Hoskins, R.  
Barclay, D.  
Rutherford, A.  
Majoribanks, S.  
Anson, H. G.  
Blake, Sir V.  
Marsland, T.  
Strickland, Sir G.  
Redington, T. N.  
Wood, Sir M.  
Tufnell, H.  
Ponsonby, hon. J.  
White, —  
Bulkely, Sir R.  
Watson, W. H.  
Dashwood, G. H.

## NOES.

Pigot, Sir R.  
Planta, J.  
Plumptre, J. P.  
Price, R.  
Pusey, P.  
Ramsay, W. R.  
Rendlesham, Lord  
Shirley, E. P.  
Smyth, Sir G. H.  
Smollett, A.  
Sotherton, T. H. S.  
Stanley, E.  
Taylor, J. A.  
Thesiger, F.  
Tollemache, hon. F.  
Verner, Col.  
Waddington, H. S.  
Wortley, hon. J.  
Wyndham, Col. C.

The House adjourned at half past two o'clock.

## HOUSE OF LORDS,

*Thursday, July 13, 1843.*

MINUTES.] NEW MEMBER SWORN.—The Lord Vaux of Harrowden.

BILLS. *Public.*—2<sup>a</sup>. Episcopal Functions.

*Private.*—1<sup>a</sup>. Gorbals Police

2<sup>a</sup>. Argyllshire Roads; Northampton Improvement; Londonderry Bridge; Great North of England, Clarence and Hartlepool, Junction Railway; Ross and Cromarty Jurisdiction; Edinburgh Water.

*Reported.*—Bardney Drainage.

3<sup>a</sup>. and passed:—Saggart Inclosure Award Estate; Porterfield's Estate.

PETITIONS PRESENTED. By the Earl of Carbery, from Middleton (Cork) against the Irish Poor-Law.—From the Mayor, and others of Leeds, for Inquiry into the present state of the Post-Office.

## HOUSE OF COMMONS,

*Thursday, July 13, 1843.*

MINUTES.] BILLS. *Public.*—1<sup>o</sup>. Limitation of Actions (Ireland).

2<sup>o</sup>. Metropolitan Buildings.

*Committéd.*—Appeals, etc., Privy Council; Cathedral Churches (Wales).

3<sup>o</sup>. and passed:—Scientific Societies.

*Private.*—1<sup>o</sup>. Saggart Inclosure Award Estate.

3<sup>o</sup>. and passed:—Gorbals Police.

PETITIONS PRESENTED.—By Mr. Muntz, from Birmingham, for Amending the Post-Office Regulations.—By Mr. Hindley, from Ashton-under-Lyne, and Dukinfield, in favour of the Scientific Societies Bill.—By Mr. E. Tennent, from the Wesleyans of Ireland, against the Repeal Agitation.—By Sir E. Knatchbull, from Ashford, and by Mr. Macauley and Mr. Palmer, from Chertsey, Stroud, Calne, Sandgate, and Hungerford, in favour of the County Courts Bill.—By Mr. R. Palmer, from Newbury, for Carrying out Rowland Hill's Plan of Post-Office Reform.—From Richmond, against the Union of the Sees of St. Asaph and Bangor.—From Dumfries, against the Factories Bill.—From Clifton, Dartmouth, Hardness, and Northampton, against, and from Christopher Swan, in favour of the Coroners Bill.—From Manchester, for Amending the Warrant of Attorney Act.—From Lochmaben, for Amending the Condition of Parochial Schoolmasters in Scotland.

ARMS (IRELAND) BILL.] Lord Eliot

moved, that the Speaker do leave the Chair for the House to go into a committee on the Arms (Ireland) Bill.

Viscount *Clements* again protested against the bill, and thought it the duty of hon. Members to oppose it. He complained of the system of Government, by which the Lord-lieutenant of Ireland was invariably a party man. Her Majesty had no party, and it was unjust to the Irish people that her Majesty's representative should act only from party motives and feelings. Until such a system was abolished, they could never expect Ireland to be in reality united in her own people, or united with Great Britain.

Mr. *Wallace* felt justified in saying, that the entire course of the debate showed that there was no necessity for this bill; and, therefore, every Member attached to Liberal opinions should oppose it to the utmost. Such was his antipathy to this bill, that he should move that the committee on this bill be postponed until this day six months. The Irish in the west of Scotland were fast becoming repealers in consequence of the conduct of the Government.

Mr. *Sharman Cranford* seconded the amendment. He had once opposed the agitation for Repeal, as he hoped for justice from the United Legislature; but if this bill received the Royal Assent, he should say that they must either repeal this act, or Repeal the Union. He should offer every opposition to the further progress of this bill.

Mr. *Oswald* denied that there was any strong feeling amongst the Irish in the west of Scotland, in favour of Repeal.

Mr. *Villiers Stuart* said, that he found he was already suffering from the misapprehension which his constituents were under, from its having been stated to them that he supported the Government Arms Bill, whereas he had only voted for the second reading of the bill, because he considered some Arms Bill necessary, and had voted against all the clauses which his Friends around him had opposed as too stringent. Notwithstanding the misapprehension which he was already suffering under he found himself on this occasion compelled to expose himself to probably further misapprehension, as he was not prepared to stultify his first vote by supporting the amendment of the hon. Member. He should steadily oppose those clauses in committee which he considered objectionable; and that if he were not

successful in that opposition, it would be his duty to vote against the bill on the third reading.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 104; Noes 27: Majority 77.

#### *List of the AYES.*

Acland, Sir T. D.	Hayes, Sir E.
A'Court, Capt.	Henley, J. W.
Adare, Visct.	Hepburn, Sir T. B.
Adderley, C. B.	Hervey, Lord A.
Allix, J. P.	Hodgson, R.
Antrobus, E.	Hope, hon. C.
Arbuthnot, hon. H.	Hussey, T.
Arkwright, G.	Ingestre, Visct.
Bailey, J.	Inglis, Sir R. H.
Bailey, J. jun.	Jermyn, Earl
Baillie, Col.	Jolliffe, Sir W. G.
Baillie, H. J.	Jones, Capt.
Barrington, Visct.	Lefroy, A.
Bernard, Visct.	Lockhart, W.
Blackstone, W. S.	Lygon, hon. Gen.
Boldero, H. G.	Mackenzie, T.
Botfield, B.	Martin, C. W.
Broadley, H.	Masterman, J.
Bruce, Lord E.	Meynell, Capt.
Buck, L. W.	Morgan, O.
Buckley, E.	O'Brien, A. S.
Bunbury, T.	Packe, C. W.
Burrell, Sir C. M.	Peel, rt. hon. Sir R.
Cholmondeley, hn. H.	Peel, J.
Clayton, R. R.	Pennant, hon. Col.
Clerk, Sir G.	Polhill, F.
Clive, Visct.	Pollington, Visct.
Cresswell, B.	Pollock, Sir F.
Damer, hon. Col.	Richards, R.
Dick, Q.	Rose, rt. hon. Sir G.
Dodd, G.	Russell, Lord J.
Douglas, Sir C. E.	Sandon, Visct.
Duncombe, hon. O.	Sheppard, T.
East, J. B.	Smith, rt. hn. T. B. C.
Egerton, W. T.	Somerset, Lord G.
Eliot, Lord	Stuart, W. V.
Escott, B.	Sturt, H. C.
Estcourt, T. G. B.	Sutton, hon. H. M.
Fitzroy, hon. H.	Tollemache, hon. F. J.
Flower, Sir J.	Trench, Sir F. W.
Follett, Sir W. W.	Trollope, Sir J.
Forester, hon. G. C. W.	Trotter, J.
Forman, T. S.	Vernon, G. H.
Gaskell, J. Milnes	Vesey, hon. T.
Gladstone, rt. hn. W. E.	Welby, G. E.
Gladstone, Capt.	Wellesley Lord C.
Goulburn, rt. hon. H.	Wilbraham, hn. R. B.
Graham, rt. hn. Sir J.	Wood, Col. T.
Greenall, P.	Wortley, hon. J. S.
Greene, T.	Young, J.
Hale, R. B.	
Halford, H.	
Hampden, R.	
Hardinge, rt. hn. Sir H.	

#### TELLERS

Fremantle, Sir T.  
Gordon, hon. Capt.

#### *List of the NOES.*

Aglionby, H. A.      Barnard, E. G.



Barron, Sir H. W.	Napier, Sir C.
Blewitt, R. J.	O'Brien, W. S.
Brotherton, J.	O'Connell, M. J.
Chapman, B.	Ogle, S. C. H.
Clements, Visct.	Plumridge, Capt.
Corbally, M. E.	Power, J.
Elphinstone, H.	Ross, D. R.
Ewart, W.	Wall, C. B.
Fitzroy, Lord C.	Wawn, J. T.
French, F.	Wyse, T.
Gore, hon. R.	Yorke, H. R.
Hall, Sir B.	
Hatton, Capt. V.	TELLERS.
Martin, J.	Crawford, S.
Mitcalfe, H.	Wallace, R.

House went into committee.

On Clause 13, setting forth the exemptions from the penalties for possessing arms not duly marked,

Viscount *Clements* protested against having the arms of the Irish people marked or branded at all. He, for one, would never submit to the disgrace. He should divide the committee against the proposition for either marking or branding arms. He moved that the clause be omitted.

Lord *Eliot* took the opportunity of defending Mr. Warburton from an imputation cast on him on a former occasion by the noble Lord who had just spoken, and quoted a letter justifying Mr. Warburton's conduct.

Lord *Clements* denied the correctness of the statement. The treatment he had received from Captain Warburton was unjustifiable, and he had found it his duty to complain to the high sheriff.

Sir *R. Peel* really thought that after the ample discussion which had been taken upon the principle of this measure, it was rather unfair to delay the progress of the measure before them, by offering opposition to a clause, as though it were a branding clause, whereas it was one which gave exemptions from branding. He trusted the committee would allow the remaining clauses to be discussed in the same spirit of moderation in which those already agreed to had been considered, and that no unfair obstruction would be offered.

Viscount *Clements* was of opinion that every course which that side of the House could take for the purpose of impeding this most nefarious measure would be perfectly fair. He, for one, was determined to oppose this bill, stage after stage, in every possible manner.

Sir *R. Peel* admitted, that the bill had been considered with fairness and moderation, and all he asked was that it should throughout be discussed in the same spirit.

Lord *J. Russell* concurred that as far as the debate had hitherto gone, it had been conducted with the greatest temper and fairness by the Gentlemen connected with the country to which the measure referred, and by the House generally. He would beg to remind his noble Friend, who seemed desirous of renewing the debate upon branding, because, in the clause before the House, the word branding happened to occur, that there had already been two divisions on the subject, and, at all events, the clause was not one inflicting branding, but exempting from it. He denied that the Gentlemen from Ireland had resolved, either at the meetings they had held, or in the House, to obstruct the measure; but this question having been already decided, he recommended his noble Friend to withdraw his opposition.

Amendment withdrawn.

A conversation then arose on the necessity of defining the word "arms."

Mr. *T. B. Smith* stated, that the word had hitherto been interpreted to mean guns, pistols, swords, and bayonets.

Sir *D. Norreys* showed that sword-canes, halberts, and spears had been registered as arms.

Lord *Eliot* promised to define the arms to be branded, and if it were possible the word should be confined to fire-arms.

Mr. *Tennyson D'Eyncourt*, did not expect that an Attorney-general would have proposed an Arms Bill, and yet not be able to tell them what "arms" were, and this too, in a penal act. He thought the Attorney-general should tell them what the word arms meant.

Mr. *T. B. Smith* admitted that halberts were arms. Hon. Gentlemen opposite did not discover this difficulty till they got into opposition. The hon. Gentleman who made this objection was himself Clerk of the Ordnance under the late Government, and ought therefore to know something of what arms were.

Mr. *Jervis* asked the Attorney-general for England what was the meaning of the word arms? No English lawyer could have any doubt on the subject. What was the meaning of the passage, "appearing in arms against the Government?" Was not being "in arms" the carrying of any offensive weapon?

Mr. *M. O'Ferrall* suggested that if the noble Lord would declare that arms meant fire-arms, it would at once get rid of all the difficulty.

The Attorney General having been ap-

pealed to, said, that he had no doubt that the legal meaning of the word "arms," as referred to in acts of Parliament, as, for instance, "bearing arms against her Majesty," would include every offensive weapon. The law had been in operation for forty years, and the question had never been yet raised; but he thought that the moment any doubt appeared to exist upon the point, a definition of the meaning of the word "arms" should be adopted. In the present clause, however, the definition was not of importance, but if in the future progress of the bill it should be found to be so, he should be prepared to introduce a clause on the subject.

Mr. G. A. Hamilton thought it would be quite sufficient for all the purposes of the act, that the meaning of the word "arms" should be restricted to fire arms and air guns.

Mr. Philip Howard rose to support the recommendation of the hon. Member for the county of Dublin (Mr. Hamilton) as to the propriety of confining the operation of the branding clause to "Fire Arms"—it would greatly simplify the measure (supposing Ministers persisted in what would be deemed an obnoxious law) that it should be enforced only in the case of "fire-arms," and perhaps also in the case of "air-guns," which were among the most insidious of weapons. The unhappy declaration of Government made during the preceding debates, that the angry feelings which the "Arms Bill" might excite, were not to be softened and assuaged by any measures of conciliation, made him (Mr. Howard) doubly anxious to divest the bill under consideration of all that was irritating in its tendency. It was remarkable, that under the rule of Austria, even in her newly acquired Italian dominions, no regulation, so far as he knew, required the registration of arms, and in the Tyrol most certainly, the rifle was the daily companion of that hardy peasantry; dearer to them than the sound of music was the twang of their rifles; he would not advert to Switzerland, because there liberty had taken its highest soar, but he would ask, why was England the constitutional monarchy of England, to display a jealousy of those under her sway which seemed unfelt by many despotic powers? But leaving the more general question, he would again press upon the confining the operation of the bill, as much as possible to "fire-arms."

Lord Eliot was willing to accede to the proposition for restricting the meaning of "arms" to fire-arms.

The Attorney General suggested that air-guns should be included in the same category as fire-arms.

Mr. Muntz thought the whole bill a ridiculous one. If people wished to kill each other, none of its provisions would prevent them. They first made bad laws for Ireland, and then punished the people for the effect produced by bad laws. As to what was to be considered arms, why, he could make a bow and arrow in five minutes, which would kill any of them.

Clause amended was agreed to.

On clause 14, persons carrying arms to be apprehended, if they refuse to produce their licence and tell their names.

Mr. Wyse objected to the clause, as being one of the most stringent and despotic of the bill. It gave power to mere policemen to examine arms, and interrogate their possessors, at any hour of the four-and-twenty. Peace-officers might intrude into private houses for these purposes at any hour of the night, and bring whom they conceive to be offenders before a justice of the peace, the clause would produce a great increase of that excitement and bad feeling which it was the declared object of the bill to control. The committee could judge of what would probably be the consequences of the powers given to the police and the justices of the peace by this clause, when they remembered the bad state of feeling between those functionaries and the people. He trusted that Government would not press the clause in all its stringency. He proposed to restrict the power on the part of the police of making inquiries to the hours between sunset and sunrise.

Mr. Bernal would ask, if Government were prepared to say, that a respectable, or even for that matter a disreputable yeoman, or a gentleman out shooting, should be stopped at any time during the day that a person in the garb of a police or peace officer chose, and compelled to give up his name and place of residence. Such a provision would be insufferable.

Lord Eliot admitted that individuals might be subjected to inconvenience by the clause, which was only to be justified by stern necessity. He could assure the committee, that if they omitted or essentially modified the clause, the remainder of the bill would be good for nothing; the greatest number of murders against which the bill was intended to provide, took place during the day time. He contended, that by the English game laws and the Irish Fishery



Act, similar powers were given to bailiffs, &c., as that proposed to be now conferred upon peace officers.

After a protracted conversation, the committee divided on the question that the words proposed by Mr. Wyse be inserted in the clause:—Ayes 63; Noes 124: Majority 61.

Clause agreed to.

House resumed. Committee to sit again.

House adjourned at one o'clock.

## HOUSE OF LORDS,

Friday, July 14, 1843.

MINUTES.] BILLS. Public.—1 Scientific Societies.

2<sup>a</sup>. Norfolk Island.

5<sup>a</sup>. and passed:—Moveable Property (Scotland).

Private.—Reported.—Fox's Estate; Inchbelly Roads; Paisley Municipal Affairs.

5<sup>a</sup>. and passed:—Bardney Drainage.

### DISMISSAL OF MAGISTRATES (IRELAND).]

The Marquess of *Clanricarde*, in rising to bring forward the resolutions of which he had given notice, said it was now his duty to bring under the consideration of their Lordships the resolutions which he had laid on the Table; and in doing so he felt alarmed at the importance of the subject, when he reflected on all the circumstances connected with it. Because, although the motion he was about to make was in itself sufficiently concise, and related only to one sole act of the Government, yet he knew that, considering the state of feeling with respect to Ireland, on both sides of the House, and considering also the state of that country at the present moment, and the natural interest it had excited in the minds of the people, it would be as presumptuous as it would be vain in him to attempt to limit the discussion of this evening within the four corners of that paper which contained his resolution. Indeed his noble and learned Friend on the Bench below him, and other noble Lords, the other evening, plainly intimated that the state of the country was in their minds such as to require that the observations should not be strictly and closely confined to the motion upon which their Lordships would have to vote. But he would certainly endeavour to confine himself, not indeed entirely to remarks of which the scope would not extend in any degree beyond the terms of the motion, but to such matters as bore directly upon the point to which he should have the honour to direct their Lordships' attention. If he were to undertake to discuss the

whole state of Ireland, and attempt to criticise and examine into all the causes which had led to the present unfortunate state of that country, and then venture to suggest such measures as might appear to him likely to retrieve it from the embarrassments and difficulties in which it was involved—and, as he thought, by the measures of the present advisers of the Crown—he should be undertaking a task far beyond his powers to accomplish. If he had wished to make this a party motion, and to catch votes, it might have been easy for him, under present circumstances, to have followed a course which, in late years, had been adopted by some noble Lords on the other side, and to have quoted speeches made in Parliament to show that the motions and speeches of those noble Lords were more applicable to the present times than to those times when such motions and speeches were made. But this was not a time for indulging in mere party or personal recriminations, and therefore he should not quote any speeches made upon former occasions; he should make no attack upon any minister or any noble Lord, or upon any person, either in office or out of office. Although the resolution he had framed did convey a direct censure upon the Government, still he had chosen plain language, and it was as mildly worded as his sense of the case would warrant. He need not enter into any history of the question commonly called the question of Repeal. From the time of the union that question had, at different periods, been more or less agitated in Ireland. In 1834 (and upon that occasion only) it was made the subject of a distinct motion in the House of Commons. Petitions upon the subject had been previously presented, but he believed that this was the only time on which a distinct motion was made on it. Their Lordships knew how that motion was met. From time to time, since then, the question had been revived in Ireland, and was agitated with more or less success. It had, however, a very short time ago almost died away, or at least it was little heard of, and hardly to be perceived. But in the course of last year the repeal agitation gained great strength, and during last autumn and winter it had extended its sphere with considerable success. Till the opening of this year, there was notoriously a very anxious feeling on the part of the Irish people to know what course was likely to be adopted by her

Majesty's Government, and by the Imperial Parliament, when this Session should be commenced with respect to the several measures which they hoped would be entertained, and to the removal of the several grievances of which they more or less complained, and generally with respect to what would be done for the general benefit of their country. Since the opening of the present year, repeal agitation had increased very considerably; but what to his mind was infinitely worse, the feeling of the people of Ireland in favour of a repeal of the Union had undoubtedly and indisputably gained ground. He did not allude to the humbler classes of the people merely; but he meant that this feeling had increased amongst the honest, loyal, and peaceably disposed persons, who were not inclined to agitation, but who entertained an opinion favourable to repeal, under, as he thought, very mistaken views, but with perfect sincerity. However, the repeal agitation had, at all events, increased in power. Large meetings were held all over the country—the public peace was disturbed in various parts by agitation most prejudicial to the best interests of the country—very much affecting the character of the people, the security of property, and highly detrimental to the development of the industry and natural resources of the nation. This agitation went on increasing, he was sorry to say, as the Session of Parliament was advancing, in which no great measures, such as the people had expected to hear of, were announced, or appeared likely to be brought forward. What was the course adopted by her Majesty's Government in this state of things? A noble Earl, not now present (the Earl of Roden), who, though not connected officially with the present Government, had been connected, by office, with the present Ministers when previously in power ["*No, no*"]. He understood that the noble Lord was, on that occasion, appointed to an office ["*No*"]. Then he had been offered an office and refused to accept it. However, all he meant to say was, that a noble Lord, who deservedly enjoyed the high consideration of the present Government, as one of its independent supporters, thought it right, in their Lordships' House, and a noble Lord who lately held office in the household thought it right in the House of Commons, to express their opinions upon the subject of this agitation, and the views which they conceived the Government ought to entertain in respect to it. In

answer to the speech of the noble Lord in the House of Commons, the Minister thought fit to make a very strong use of the name of the sovereign. In his humble opinion, very indiscreetly, if not improperly. He was well aware that the complexion it first wore, and the interpretation put upon it, was not such as was intended by the Minister. He was well aware that it was not intended to bring forward her Majesty as personally giving expression to an opinion improperly in Parliament; at the same time he was bound to say, that the very use of her Majesty's name at all on such an occasion was very indiscreet and unconstitutional. But whatever opinions on that subject might be entertained, he would venture to say, that no man in either House of Parliament, who heard the speeches of the noble Duke and of the right hon. Gentleman at the head of her Majesty's Government, ever conceived, even in imagination, that those speeches were to be made the foundation of a very strong act of administration. That, he would venture to say, did not enter into the heart of any Member of either House of Parliament to conceive. It was, therefore, not without considerable astonishment to him, that within a few days afterwards there appeared those letters, some of which were upon their Lordships' Table, and all of which were at that moment before him. Of these letters he complained as constituting an act of extreme indiscretion, as doing violence to the constitution, as being contrary to all precedent, and as being founded neither upon wisdom, nor justice, or any sound constitutional ground. Before he proceeded to remark upon these letters, he wished to say that he treated them all through not as the letters of Mr. Henry Sugden, but as the letters of the Irish Government, and therefore of the English Government, which was responsible for the Irish Government. He said so, because, considering the state of the whole question, and considering the warnings given to the Government upon this subject through the winter, in the spring, and in Parliament, it was impossible that the Government should not have considered the question of Repeal, and how far the law could interfere with the agitation that was going on, and what steps ought to be taken. But it was useless for him to argue inferentially that these letters were those of the Government; because when he moved for them, the noble Duke, with his characteristic straightforwardness, said at



once that he was prepared to answer for the acts of the Irish administration. It was not a single letter alone of which he complained. The Irish Government had been acting upon the speeches of Ministers in Parliament up to the present day. The correspondence upon the Table was a very incomplete specimen of all that had passed between the Irish Chancellor and the magistrates of Ireland. It was perfectly notorious that several other letters had appeared in the newspapers, to which, however, he would not advert, because he wished to confine himself to the point—that speeches of Ministers have been made the foundation of this principle of administration. A short time after the speeches were made in Parliament a letter was written by the Irish Government to Lord Ffrench, respecting his intention to attend at a Repeal meeting. He begged to call their Lordships' attention to one particular fact, which though not sufficient to rest entirely his motion upon, ought not to be left out of sight—namely, that here, for the first time, he would venture to say, in the records of any judicial power in Great Britain a man was punished for intentions only. It was said in a letter from the Lord Chancellor's Secretary to Lord Ffrench, that as his Lordship had stated that it was his intention to attend a Repeal meeting, the Lord Chancellor had directed that his Lordship should be superseded as one of the magistrates of the county. The case stated was not that when Lord Ffrench's intention was ascertained, he was warned of the consequences of his attending a Repeal meeting. His Lordship was not told that that intention might be injurious to the country or to himself, but the moment his intention was ascertained, without waiting to see whether the gentle hint given by the first warning might not have induced his Lordship to depart from carrying that intention into effect, Lord Ffrench was dismissed from the magistracy. This he believed was a case without parallel. But the point of which he chiefly complained, and on which he founded his motion was, that these dismissals were founded on speeches made in Parliament. He did not suppose that this proposition would be disputed. He would read one or two passages to show that it was the speeches made in Parliament upon which the executive government chose to found their act. In one part of the letter from Lord Ffrench, it was stated,

“Her Majesty's Government having re-

cently declared in both Houses of Parliament their determination to uphold the Union of the two countries, it became the duty of the Members of that Government to support that declaration.”

The letter also said, that after her Majesty's Ministers had in Parliament expressed their determination to prevent the Repeal of the Union, it was impossible to allow persons promoting agitation for Repeal to remain in the commission of the peace. In the letters addressed to Mr. Macdonnell, Mr. Dillon Browne, and others, the same thing was distinctly and clearly stated. In the letter to Mr. Macdonnell, he was asked whether he attended a certain meeting subsequent to the declarations in Parliament by her Majesty's Ministers. And in a second letter to that gentleman, it was said that as the meeting that gentleman attended was held so far back as the 7th of May, (the speeches in Parliament having been made since then), the Lord Chancellor would have acted, &c.—thus clearly resting the whole of those proceedings on the speeches made in Parliament by the minister. In another case a gentleman expressed himself very indignant at not having been dismissed, from the commission of the peace, but he was not dismissed, because he attended a Repeal meeting before, and not after the speeches were delivered. There could be no doubt technically, fairly, and virtually, in every sense, that the Irish Government dismissed the magistrates in consequence of the speech made by the Minister in Parliament. He was not about to complain of this as a breach of the privileges of Parliament; at the same time, it was competent for him to move that the standing orders should be read. And certainly it would be a very fair ground of complaint, if those standing orders were allowed to remain upon the books—that they should be treated with such disregard by her Majesty's Government, inasmuch as those proceedings which could alone be founded upon a violation of those standing orders had taken place by their subordinates. He only stated this to show how hastily and ill-considered was this act of the Lord Chancellor of Ireland. Most undoubtedly her Majesty's Ministers, considering calmly and coolly a strong act of the executive Government, would not have thought of grounding it upon what was a decided breach of the privileges of Parliament. Therefore it showed that this was a hasty and ill considered act of the Lord Chancellor; and it there-

fore supported him a little in the motion he was about to make. But his clear and simple complaint was this, that it was a proceeding founded upon an unconstitutional principle—one without precedent, one totally unknown to the constitution, totally unjustifiable, and likely to irritate, and properly irritate, the people of any free country; it was, therefore, a proceeding which ought not to pass without strong notice on the part of their Lordships. It was impossible to produce any precedent of a similar proceeding throughout the whole of the history of this country. It could not be found in the time of the Stuarts, or at any time when the privileges, prerogatives, and arbitrary principles were sought to be carried to extreme heights; it could not be found in the records of history that a speech in Parliament, declaring the will of the Sovereign, or of the Government, who were the responsible advisers of the Sovereign, was to be an act which the Sovereign's subjects were to obey; and that they should lose their station, place, influence, dignity, or profit, if they ventured to gainsay such a speech so made. What would be the consequence if anything of the kind were to be tolerated? The whole Parliamentary history of the country would be entirely changed in its nature, if any such principle were to be acted upon. What would have been the case with respect to that great question, Catholic Emancipation? What would be the consequence if any such course had been held with respect to that question? It was perfectly well known that in consequence of the personal and conscientious prejudices and opinions of George the 3rd relating to that measure, Mr. Pitt refused to carry it forward, or force the subject upon his Majesty. But did Mr. Pitt, or any other Minister of George the 3rd who possessed his confidence, think that they could put an end to the Catholic question by coming down to Parliament and declaring that the opinion of the Sovereign was of such a nature as to put an end to all discussion and agitation upon the subject? Had anybody ever dreamed of such a course? Then it was well known that George the 4th entertained great objection to the measure; but what would have been the effect, had the noble Duke, when he became Prime Minister under that monarch, come down and stated that he had advised his Sovereign, and they were determined to resist that measure as far

as they could? Could any man suppose that if the noble Duke had adopted that course it would have retarded the agitation, or that it could have had other than the most calamitous effects? There was an anecdote told—whether true or not he could not undertake to say,—that when George the 4th was advised by the noble Duke that the measure must pass, and was solicited by the noble Duke for permission to introduce it, the monarch was so adverse to the proposed course, that he sent for Lord Sidmouth, and offered to entrust him with the Government of the country, on the condition of making a No-Popery Administration. Lord Sidmouth, after some hours' deliberation, declined to take the responsibility upon himself. Why should not Lord Sidmouth have undertaken the responsibility? If the Government had come down and said they were authorised to make a declaration such as this, there would certainly have been a civil war. In England no Government ever had, or ever would dare attempt to put such a principle into action. It was contrary to every principle of freedom. He could not imagine any argument by which the Government were to be justified for dismissing magistrates upon the ground of their having acted in contravention of the speech of a Minister declaring the will of the Sovereign in Parliament. Upon that he rested his case. But he might be told, that he should not look upon the act in a narrow and restricted view—that it could not strictly and technically be justified, but that regard should be had to the whole state of the country and the effects to be produced there. It seemed that that was the argument to be relied upon. Now, what had been the first effect, the natural effect, of this movement? It had been stated, that it was intended to throw discredit in the popular mind upon the agitation now going on. But what had been the real, the natural, the certain effect of this act of the Government upon the public mind and the popular sympathies? why, if proof were wanted, it was contained in the letters before their Lordships, by which it would be seen, that so soon as this most unconstitutional act was performed, every man of warm feelings in the country felt his sympathy excited on the side of those who had been dismissed. Great part of the correspondence bore out that assertion. Let the House look at the expression of Mr. John O'Hea, of Cork, who said that—



“Not being a repealer, he had taken no part in the agitation, but still he held, in the language of Lord John Russell, that the question of repeal was open to discussion.”

These gentlemen who had been dismissed, so far from being degraded in the eyes of the people, became immensely exalted; they had been suddenly called into eminence; the name of Lord Ffrench was now enrolled in the pages of history, and would be handed down to posterity. These gentlemen had been called from the quiet of private life, from which some of them perhaps had never expected to emerge, and they were called heroes and martyrs by the people. And could any man, with a knowledge of human nature, or of experience in the working of a popular form of government, have doubted that this would have been the first and immediate effect? Another, a second effect, he would next notice. This act, on the part of the Government, was intended to put down the Repeal Association—to weaken the power, authority, and resources of that body. But what had been the real, the practical effect? He had already stated that this agitation had proceeded gradually and slowly, and some time ago the Repeal Association made it a matter of boast, that the rent for the week amounted to 117*l*. Upon the delivery of those speeches in Parliament, the repeal rent rose to 330*l*. Then the letter to Lord Ffrench came out, and the rent rose to 600*l*. The following week, when these letters became more widely known, it rose to 1,200*l*. The following week it fell a little—to about 1,000, but since then it had not fallen, while one week it had risen to 3,000*l*, so that the average was probably about 1,400*l*. or 1,500*l*, so that before the Government had dismissed the magistrates, the Repeal Association considered it a boast to have collected 117*l*. in a week, and since then the average weekly rent has been 1,400*l*. to 1,500*l*. So much for the wisdom and judgment shown in sending these letters. He had omitted to call the attention of their Lordships to the injustice, vacillation, and inequality which had characterised the manner in which an act, of itself sufficiently strong, had been carried out. He found that a gentleman had been written to for attending a repeal dinner. He answered that he had attended a dinner given to the representatives of the county, at which the question of repeal, amongst a great number of other subjects, was agitated, but that he was not

a repealer. That gentleman, however, was superseded. He might be told, that looking at the general state of the country, it was impossible to look at a dinner given to Mr. O'Connell as otherwise than illegal. If so, then might every magistrate, attending a repeal dinner be dismissed. It however appeared, by the course of the Government, that up to the 7th of May, all the magistrates might do just as they pleased in regard to these meetings, while, after that date, they must not even attend a dinner given to their representatives. Now this act of dismissing the magistrates, was of itself a harsh and a strong act, and it might at least be supposed that it would be administered in detail with equality and consistency. But he could show that no less than eight or nine magistrates had attended on the occasion, and only two had been dismissed. It appeared, that those two had attended a meeting in the morning, for the purpose of petitioning, and were therefore repealers; whilst the remainder did not attend the morning meeting, but were at the dinner in the evening. So, then, the men who had attended a meeting for a legal and constitutional object—namely, to petition—were dismissed; while those who had attended a dinner, when the only object could have been agitation and speech making, were retained in the commission of the peace. When such things were done, were their Lordships to be told that the object of this act of the Government was to discredit agitation and weaken the Repeal Association, and that it was calculated to have a beneficial effect upon the minds of men? There was a third effect produced by this conduct of the Government to which he should next advert, namely, the effect it had upon the character of the magistracy of Ireland. A great improvement had taken place of late in the character of that magistracy, and the manner in which their duties were performed, for which the country was in a great measure indebted to the exertions of that illustrious statesman the Marquess Wellesley, and the people were, on the whole, satisfied with the general character of their magistrates, and had confidence in their conduct. Now there had been, he believed, above sixty magistrates removed from the commission—not taken from the whole of Ireland, for then the number would appear but small, but taken particularly from those parts where it was most advisable that the feelings of the people should be conciliated, where

the magistrates were most scarce, and where it was most necessary they should enjoy the affection and confidence of the population. It was not, however, the mere number of gentlemen dismissed, but the character or complexion thereby given to the magistracy, because, if it was avowed that all who attended these meetings were to be superseded, the feeling would get abroad that all those who were commonly called liberal magistrates were viewed with displeasure by the Government, who took the opportunity of getting rid of as many of them as possible, and that those who remained would be of political opinions little in accordance with those of the people. That was a most serious matter which he wished particularly to impress upon their Lordships. He had been told that it was necessary to look at it in an enlarged sense—that these magistrates were, after all, engaged in attending illegal meetings; and how, he had been asked, could the Government have confidence in those who attended illegal meetings? He denied, that the repeal meetings were illegal. He would not attempt to define what was an illegal meeting, for that was a difficult task even for a good lawyer. A meeting might be called for a perfectly legal purpose, and yet become illegal; and a meeting might be called for an object not strictly legal perhaps, and yet be perfectly legal in the terms and manner of its holding. He contended, however, that these meetings were not illegal, and he stood upon the authority first of the Irish Chancellor, whose letter to Lord Ffrench it was impossible to read, without seeing that it inferred that the meeting was legal. If the meetings were illegal, why should the Chancellor have referred to the speeches in Parliament. Moreover, Mr. O'Connell and others, in answer to the Chancellor, had contended that the meetings were perfectly legal, and the Chancellor had made no attempt to refute them. These meetings must be legal, unless the Bill of Rights was a nullity. But he would quote another judicial authority, no other than that of the noble and learned Lord on the Woolsack, and whom he was anxious to cite, as he considered that noble Lord to be a higher constitutional authority than the Chancellor of Ireland. The noble and learned Lord said:—

“That he was an advocate for the right of the Irish people to meet to consider—to plan—to petition—to remonstrate—to demand.”

He quoted the opinion of the noble

Lord, because he had expressed the constitutional doctrine in the best and closest manner, a doctrine which probably would not be disputed. But if these meetings were illegal, then he contended that the Government had grossly neglected their duty, and if any one proved to him that those meetings were illegal, he would submit a motion to their Lordships in which he knew they would concur. There was no doubt that those meetings, be they legal or illegal, had caused great mischief in Ireland: that the agitation now going on had worked infinite harm; but if those meetings were illegal, why had these magistrates been dismissed without inquiry? Why had they not been brought to a regular trial and convicted of their delinquency? The Irish Lord Chancellor had written to a Gentleman, late the Member for Athlone, desiring to know if he had attended a Repeal meeting. Mr. Ferrall, in return, asked who was the informant, a question which the Chancellor declined to answer; upon which Mr. Ferrall, on his part, declined to answer the Chancellor's query. Now, if these meetings were illegal, why was not Mr. Ferrall brought to trial? The difficulty of the case was, that these meetings were, in fact, not illegal. What was the condition of Ireland at the present moment? It was in a state approaching to anarchy. He had heard of advice having been given to the peasantry to enter upon a system of passive resistance to the payments of all tithes, cess, and dues that might be demanded of them. Now, if such ideas as these were spread abroad, he repeated that the country was in a state verging upon anarchy, that the framework of civil society was shaken, and the machinery by which the business of the community was carried on was endangered. If it had come to this, it was because the Government had brought the law into such odium, that the people regarded it not as a protection and benefit, but as a machine for their oppression. He had a right to say, that this, if it were so, was the fault of the Government. The country had been delivered over to them in a peaceable state; there was no agitation of this kind. The Repeal Association, it was true, might have been in existence, but nothing had arisen to the height it had now attained. There were also occasional outrages—too common at all times—at that period, but those outrages were local. There was none of that general spirit of agitation and resistance



to the Government which existed at the present moment. The people respected the authority of the law. If that point were disputed, he would refer to the letter written to the ten stipendiary magistrates, whom it had been proposed to dismiss. He would take the description, however, of the peaceable state of the country from the language of those who might attempt to justify the acts of the Government from the present state of the country. This state of things had arisen gradually, and a Government with proper capacity, vigour, and activity, would have met the first approaches, but he complained that in the first place, the Government had found themselves incapable to obviate the difficulty, and in the next, incompetent to meet it. If they had looked to the social wants and exigencies of the people—he did not speak of their mere political grievances—the Government might have averted these things. It was not Mr. O'Connell, with all his eloquence and influence, who had gained over the people entirely to the repeal agitation, and made them disappointed with the Imperial Parliament, but the administration and legislation of the Government—it was their paying no attention to the wants of the country, their not endeavouring to develop and put into action her industry and resources. It was the neglect of these things that had given rise to the feeling in Ireland that the Imperial Parliament and the Imperial Government did not attend to the grievances of the people, and that they would fare better under a separate Legislation. He, for one, thought the Repeal of the Union, even if it could be accomplished, which every one knew could not be, would be the greatest misfortune that could happen both to England and to Ireland. But still it was necessary to attend to the condition of that country, to improve her laws and institutions, and adapt them to the feelings and condition of the people. Something must be done to develop the resources of the country. He ventured to say that a very little exertion on the part of the Government might have met the national feeling and prevented it arising to the height it had. He did not now ask if the Government were going to take steps in regard to Ireland, because, unfortunately, it was within the knowledge of all of their Lordships that nothing was to be done. If it was understood that no coercion was to be adopted, then he agreed so far with the Government, and

thanked them for refraining from the course they had been recommended to take. Nothing could be more injudicious than to attempt coercive measures, but at the same time he was sorry to say, that he thought a great deal more must be comprehended under the head—"Nothing is to be done." If the population of Ireland were to be left in its present condition, excited as it was by all the causes of discontent, to which he had adverted, with the whole country thrown into disorder, and without any thing being done to improve the state of the people, results would be produced with which it would be very difficult to deal in these times of peace, and which, if unfortunately we should come to times of war, would be terrible to reflect upon. The cost to the country of this state of things must already have been very great; the movement of the troops, the marchings and counter-marchings, of which there had been so many, must have absorbed a considerable sum of money, which, if judiciously expended, would have gone a great way in removing some of the causes of the agitation. He must apologise to their Lordships for having travelled over so wide a field, but he did think that the whole conduct of the Government, past and present, told on the motion which he should submit to their Lordships. He was strongly of opinion that the dismissal of the magistrates in Ireland was one of the most injudicious and inexpedient acts ever done by a Government. He defied the Government to deny that the dismissal of the magistrates on the ground of doctrine, laid down in the speech of a minister in Parliament, was totally at variance with the Constitution, and with the whole existence of an unpaid and independent magistracy. Out of that House he had not met with a single man who supported it. He did not believe there was one man out of the walls of Parliament who would say that he approved of this act. Therefore he said that, although he knew the influence which Government had with their Lordships at this moment, he hoped they would support his motion. He was confident, when their Lordships' own honest conviction told them it was their duty to their country, as well as becoming their honour as Peers, to vote independently of party or personal considerations, that in accordance with those sentiments they would give their votes. The noble Marquess moved the following resolutions:—

"1. That it appears by the papers before

this House, that the Irish Government has dismissed several magistrates from the commission of the peace, on the ground that they had intimated an intention to attend meetings to petition for a repeal of the legislative union of Great Britain and Ireland, after a declaration by her Majesty's Ministers, in both Houses of Parliament, that her Majesty was determined to uphold the said Union; although it was allowed, in dismissing the said magistrates, that such an intimation, or the attending such meetings before such declarations in Parliament, was not a sufficient ground for dismissing magistrates from the commission of the peace.—2. That to dismiss magistrates from the commission of the peace on such a ground, is unconstitutional, unjust, and inexpedient."

The Duke of Wellington: My Lords, the motion of the noble Lord is directed against the officer who holds the Great Seal in Ireland. I beg your Lordships to review in your minds the speech by which the noble Lord introduced that motion, the topics on which he dwelt, and the charges which he made against her Majesty's servants, and I think your Lordships will feel that it is a motion directed positively against her Majesty's Government. He says, what is very true, that they are responsible for the acts of the Irish Government. They are responsible for the acts of the Irish Government; and, my Lords, I hope, before I sit down, to convince your Lordships that those acts were forced upon the Government, and that they would not have done their duty if they had not carried them into execution. The noble Lord has stated that this repeal agitation commenced some time in the course of the last year. Begging the noble Lord's pardon, I must remind him that the agitation commenced some few months antecedent to the last year, and that, if he will refer to some of his noble Friends near him, he will find that they had heard of that agitation—nay, that the Lord-lieutenant at that time had very properly denounced that agitation previous to the period at which we assumed the Government. I shall be very glad if the noble Lord, bearing in mind that fact, which I do not believe he will deny, will show how he makes out his charge against her Majesty's present servants, that to them must be attributed this Repeal agitation. Why, my Lords, surely if this Repeal agitation commenced long previously to the period at which we were in office, at least it must be inferred that no official act or omission on their part could have caused this agita-

tion. But, my Lords, the agitation had existed for a very considerable time. It had grown; meetings had become frequent; those large assemblages of men had become larger, the anxiety which they created throughout the country had become more intense; the language held at them had become more violent, and at last the attention of Parliament was drawn to them, as stated by the noble Marquess, by a question put to her Majesty's servants in this House by one noble Lord, and by a noble Lord also in the other House. But, my Lords, before I proceed to discuss what passed upon that occasion, I must remind your Lordships of what is very important in discussing this question, the proceedings which took place in Parliament and in the country upon the subject of this question of the Repeal of the Union as far back as the years 1831 and 1834. The noble Lord stated correctly that at the latter period a motion was made for the Repeal of the Union, and upon that occasion noble Lords, then high in office in the Administration, some of whom I have the pleasure of now seeing in this House, and others of whom are high in influence, and, though not in office, have taken a great lead in the other House of Parliament, all, in the strongest manner pressed their opinions against the repeal of the legislative Union, which they declared to be neither more nor less than a severance of the connection between the two countries, or as leading, unquestionably, to that severance. It was declared by some of them positively, that Repeal could not do otherwise than lead to a severance between the two countries—a statement, I confess, in which I entirely agree. Some of them even went so far as to say that it would be better at once to declare the severance than to begin by the Repeal of the Legislative Union, so certain was it that the Repeal of the Union must be followed by the severance, and possibly by a war, which would terminate only with the reduction of one of the two countries, and the enfeeblement of the other. This was the opinion of some noble Lords; and on the occasion to which I referred, when the question asked by a noble Lord in this House, and by another noble Lord in the other House, drew from me, in this House, and from my right hon. Friend in the other House, answers stating the positive intention of the Government to maintain the Legislative Union, I must do the noble Marquess opposite and a noble Lord near him, as well as hon. Members in the other



House of Parliament, the justice to say that they did not evade the positive expression of their opinions, and their concurrence in the determination expressed by her Majesty's Government to maintain the Legislative Union. That declaration, and the reference then made to what passed in 1834, as well as the concurrence—I may almost say unanimous—of this and the other House of Parliament, had become matter of notoriety, not only in this country but throughout Ireland. The noble Lord has adverted to the use of her Majesty's name in these discussions. All that was done on that occasion was to state that the advice of her servants to her Majesty was to concur with the sentiments delivered by her predecessor on the Throne, and subsequently in his answer to the address delivered by both Houses of Parliament. Thus, then, my Lords, I say, that after what passed in both Houses of Parliament on that occasion, it became a matter of notoriety that the opinion of Parliament was, that the Legislative Union should not be repealed, and that every effort should be made on the part of the Government to resist the attempt to occasion that Repeal. Then, my Lords, under these circumstances, the Lord Chancellor finds Lord Ffrench and other magistrates calling these meetings to repeal the Union, assisting at the meetings, presiding at them, and urging all the proceedings. At this time the opinion of Parliament was notorious, yet meetings consisting of 10,000, 20,000, 100,000, no matter as to the number of thousands, continued. My Lords, I wish to know with what object they were continued. Was it with a view to address Parliament to repeal the Union? No, my Lords, they were continued to obtain the desired Repeal of the Union by terror, if possible—if not, by force and violence. And the persons calling these meetings, I beg your Lordships to observe, were the magistrates, the very men who must have been employed by Government to take measures to resist this violence, to prevent breaches of the peace, to arrest those who should be guilty of such breaches, and to bring them to justice; and then the noble Lord says, that the Government were not to dismiss those magistrates from their situation, and that they were not to draw a distinction as to the time when it became notorious to the whole world what were the views entertained by Parliament and the Government on this important question. My Lords, in

this and the other House of Parliament, no one would have any idea of repealing the Union except in regular course, like another act of Parliament; but, with these meetings of 50,000 or 60,000 men, was there any question of discussion? No, my Lords, the question was terror, force, and violence. That was the ground on which the Lord Chancellor told these magistrates after the views of Government had become notorious, you must be dismissed if you attend, or excite to attend such meetings. Now, my Lords, I say, that it being the duty of the British Government, having its attention awakened to those meetings, to prevent, if possible, breaches of the peace, to resist them, and to give protection to persons and property. It would be impossible for them to undertake to perform those duties, leaving magistrates in their situations who should have rendered themselves conspicuous either by calling together those meetings, or by presiding over them, or by addressing or attending them. Each case for decision by the Lord Chancellor must have depended on the peculiar circumstances attending it. My Lords, the noble Lord has stated that these meetings were not illegal. I certainly do not consider myself competent to decide whether they were or were not illegal. This I know, that they consist of very large numbers—whether of 10,000 or 100,000, I am sure I cannot tell, and I do not believe any man can tell to a certainty. They are assembled in very large numbers, regularly organised, marching under the lead of persons on horseback, with bands and banners, in regular military array. After having attended these meetings, those present are dispersed by word of command, without trouble, violence, or breach of the peace, and march back perhaps twenty or thirty miles. No violence is committed; yet, my Lords, to those who had to contemplate these meetings, to consider what might be their consequences, to consider the power exhibited in calling them together, and the discipline observed in carrying the whole plan into execution, as well as the power of those who exercised that discipline, I say it became the duty of the Government to take precautions, to consider of the situation of the country, to observe what passed at the different meetings, to read the speeches delivered, to get an account of the threats held out, such as “Repeal or blood,” with inscriptions of that kind upon the flags, and to be pre-

pared for the worst that might happen. My Lords, I have had some experience in the course of a long life, which I have passed in the service of the Sovereigns of this country, of such revolutions. A distinguished author has written regarding the French revolution, "*On conspire sur la place.*" There is no secret in these transactions, and the reason why there is no secret is this, that the great means of operation are deception of their followers, and terror in respect to their adversaries. Accordingly, we hear a learned gentleman exclaiming to his audience "Napoleon had not in Russia such an army as this is; the Duke of Wellington had not such a one at Waterloo." Very possibly not, my Lords. Bear in mind what he said in respect to the augmentation of his numbers, and the means of assembling those persons. He said upon one occasion that, by the post of one night, he could collect the whole of this force in different parts of the country, and it is perfectly true—I have not a doubt of the fact. What is the consequence? Why, my Lords, I say I believe it is the duty of the Government to be prepared, as I hope the Government has become prepared, in all parts of the country, to protect the persons of the inhabitants, to protect property as far as possible, and to do everything in their power to maintain the dominion of her Majesty and of this country in Ireland. The noble Lord said that the different events which might ensue were in the hands of one individual. My Lords, this is not the doing of the Government, this Government has nothing to say to it; but all that is in the power of Government, all that they can do to be prepared to resist the consequences of this state of things, all that wisdom and foresight can suggest to protect the property of individuals, the House has a right to look for, and to expect that Government will be prepared for the worst that can happen. My Lords, I am as much concerned that this state of affairs should exist as the noble Lord can be; but of this I am quite certain, that the way to be prepared is not to have in the service of Government—not to have Government dependent on the exertions of—a number of magistrates who have excited and encouraged these proceedings, assisting at and presiding over these very meetings. That could not have been desirable, and I say that the Lord Chancellor and the Lord Lieutenant would not have done their duty if they had not

removed those persons from her Majesty's service. The noble Lord complains that in consequence of these magistrates having been removed, a great sympathy for them has been excited throughout the empire. Why, my Lords, I do not know. I cannot say whether more thousands or less have assembled since these magistrates have been removed; but this I know, that I feel more security, if I am convinced that I shall not have to employ a man to assist in putting down these mischiefs who may himself have been instrumental in causing them. My Lords, I come now to advert to the charge of the noble Lord, that the Government has not been attentive to the wants and interests of Ireland. I will remind your Lordships of a speech which I am sure you have read with the greatest satisfaction and even thankfulness—I mean that of the noble Lord sitting at the Table, delivered in the year 1834, in the other House of Parliament, on the subject of the advantages derived by Ireland from the Union up to that period. My Lords, that unanswered, that unanswerable speech will show your Lordships how much the people of Ireland have gained by the Union between Ireland and this country. From that time to the year 1841 the noble Lords sitting near the noble Marquess will not agree that the interests of Ireland have been neglected. I am sure I am not conscious of their ever having been neglected at any time. Since I have had the honour of having a seat in her Majesty's Councils I am sure that they have not been neglected, and that everything has been done which could be done in order to promote those interests. At this moment, and throughout this Session there has been under consideration of Parliament a measure for altering a law which has given dissatisfaction to Ireland—I mean the Poor-law; and for relieving principally the lower classes from the payment of rates, which only awaits the pleasure of the House of Commons for its discussion, in order to be laid before your Lordships. If any other measure has been proposed, it has been invariably attended to with a view to carry into execution every plan which seemed likely to be beneficial to Ireland. It has been agreed to on all hands, that such must be the course with respect to Ireland; that everything must be done which can be done to conciliate the affections of the people of that country, and which can tend to insure their contentment. With respect to the particu-



lar measure to which the noble Lord referred, namely, the bill for correcting the registries, it has been explained in another place, that it has not been possible to bring forward that measure up to the present moment, because it is necessary to connect with it other measures for extending the franchise, in consequence of the diminution of the number of voters which would otherwise result from it. This, and nothing else, I can assure the noble Lord, has been the cause of the delay. In respect to other measures, everything, your Lordships may depend upon it, will be done, as occasion may offer. But, my Lords, I must say, that, grieved as I am that there should be so much truth in the representations made by the noble Lord of the existing state of the country, and of its prospects, threatened as they are by the continuance of agitation, I must say, that no measure that could be proposed, no new measure which could be adopted, would have the smallest effect in removing any of these evils or inconveniences. My Lords, the only mode, the only course to be adopted on the part of the Government, is to oppose a strong resistance to everything like a breach of the peace or public order, and to be prepared, as I hope they are prepared, to enforce measures for preserving quiet and protecting property in Ireland. My Lords, I know of no remedy but that for the state of affairs which exists at present, particularly as it appears that whether the peace of the country shall be disturbed or not, depends on the will of one man, and his influence over the wills and actions of some thousands who possess influence in the various parishes of the country. That is the real state of affairs. The noble Lord has referred to the extreme poverty of the country, and to the absence of all measures, on the part of the Government, to relieve that poverty. My Lords, it certainly is true that there are in Ireland a vast number of poor. I have been sorry to see that it is stated in some returns on the Table, that there are as many as 2,000,000 of poor in Ireland. My Lords, it happens unfortunately, that in all parts of the empire there are poor; but I will beg to observe, that it is not in the power of this Government, nor of any Government, nor of any Parliament, in the course of a few weeks, or a few months, or, I may say, a few years, to relieve the poverty of a great country like that, extending as it does to such a portion of the population.

But, my Lords, I beg to know whether poverty can be relieved by that description of agitation for the repeal of the Union. Is poverty relieved by marches of twenty-five and thirty Irish miles a day, during the period of spring and summer, to hear seditious speeches? Is poverty relieved by subscriptions of thousands of pounds to the repeal rent, and the O'Connell rent, and other funds of that description? No, my Lords; that poverty must be relieved by a perseverance in industry and sobriety; not taken up by fits and starts for the sake of a more orderly appearance at seditious meetings, where the people are marshalled by bands of music and flying colours. The evils, whence that poverty proceeds, are not to be cured in a day. The remedies must be some time in operation; and all I can say, is, that the Government are sincerely desirous to avail themselves of every opportunity that may tend to benefit the people of Ireland, and to relieve that poverty of which the noble Lord so eloquently complains. The noble Lord adverted to the state the country was in at the period at which her Majesty's present Servants came into office, and compared it with the state in which the country was at the present moment. I have already adverted to that part of the noble Lord's speech, and will now only remind your Lordships again that the repeal agitation had been going on for some time, for a year at least, before her Majesty's present Government came into office. But, although it is true that the repeal agitation and the political agitation which are now going on are much greater than they were three or four years ago, yet, my Lords, it happens that other descriptions of crimes have rather diminished of late than increased. I will read to your Lordships a return, which I received an hour ago, showing what the state of the country has been during this political agitation, and showing also what power is exercised by those who conduct the people at these meetings, and how the persons wielding that power can keep the people quiet at any period when it suits them to keep them so. In the month of June, just expired, the total number of offences in Ireland, of a serious character, was 447. In the preceding month, May, the number was 541. In the corresponding month of last year, June, 1842, the number was 800. Now, my Lords, I will just read to you the particular crimes affecting public peace.

	June, 1845.	May, 1845.	June, 1842.
Demanding and steal- ing Arms . . . }	10	11	20
Riots . . .	7	12	18
Threatening notices .	72	0	81
Attacking houses . .	16	0	61
Injury done to property	36	0	115
Cattle stealing . . .	45	0	166

And so on for every description of crime of a similar character, all of which have diminished in numbers during the time when this political agitation has caused so much anxiety to the Government and to the whole nation. I have shown your Lordships that it was under these circumstances these orders were given by the Lord Chancellor. I have shown that her Majesty's Government are responsible for the dismissal of these magistrates. I have stated the grounds on which I hold that dismissal to have been justifiable, namely, the fact that the Union of Ireland with England could not be repealed in the ordinary course of legislation; that no man of sense could expect it to be repealed otherwise than by force and violence; and that Government, determined to carry the law strictly into execution, and to give all possible protection to life and property, by preparing to resist force and violence, if force and violence should be attempted, would have been unworthy of their places in her Majesty's councils—unworthy of the confidence of honest and sensible men, if they had left in office men to whom, in a moment of difficulty, they must have looked for assistance in the maintenance of the public peace, although those very men had presided over meetings at which seditious speeches had been uttered. I shall conclude by earnestly urging your Lordships to meet the resolutions of the noble Marquess by a direct negative.

The Earl of *Clancarty* spoke as follows:—It is, my Lords, with much hesitation that I present myself to your Lordships at so early a period, in a debate likely to prove of the greatest importance, by calling forth, ere it closes the sentiments hitherto unexpressed of many of the leading Members of this assembly upon the state of Ireland at the present time; nor should I have thought of doing so, but that the question having been put by the noble and learned Lord from the Woolsack, the debate must

suddenly and prematurely have closed had I not risen to address you. But considering the nature of the question involved in the resolutions of the noble Marquess—considering that a constitutional question is brought to issue in these resolutions, upon which there have appeared to exist conflicting opinions among the first legal authorities of the land. I certainly am surprised that it should have devolved upon me to take up this debate, and I could have wished, before taking any part in it, and certainly before saying any thing upon the constitutional question at issue, to have heard expressed the sentiments of those among your Lordships, whose opinions would alone be entitled to any weight upon such a subject. But as the second resolution proposed by my noble Friend, by calling in question the expediency of the dismissal of the magistrates, in fact opens the whole question of the policy of her Majesty's Government with respect to Ireland. I shall, in the few observations I am desirous of addressing to your Lordships, confine myself to that part of the question, which at the present time is one of intense public interest, and upon which in common I am sure with many of your Lordships I cannot help looking with very great anxiety. Feeling as I do the highest possible respect for the noble and gallant Duke who conducts the business of this House with so much ability and with such benefit to the public, and being of opinion that to no other hands than those of her Majesty's present Ministers could the Government of the country be, at the present time, committed with the same advantage or with almost any hope of success. It is with the utmost regret that I am compelled to say, that the Government of Ireland exhibits a melancholy and a painful contrast, although I believe a solitary exception to that character for vigour, ability, foresight, and watchfulness which has, under their auspices, attached to the administration of the affairs of the empire in every other department of the Government. But not only has their general policy in regard to Ireland disappointed public expectation, but more particularly has it been wanting in the present emergency in those qualities which are essential to the securing of public confidence. And I regret to say that having most attentively listened to the speech of the noble Duke, I have not heard anything calculated to remove that impression, or to lead to the expectation of any greater



vigour for the purpose of preventing, or of any step for the purpose of putting an end to, the very alarming state of things in Ireland. The noble Duke speaks, indeed, with much confidence of the Government being prepared for whatever may happen. But I would pray your Lordships to look at the picture that both the noble Marquess and the noble Duke have this evening drawn of the state of affairs in that country. Look at it as it has been represented to your Lordships in the respectfully signed petitions that have been addressed to this House upon the subject, without, I am sorry to say, having elicited the expression of much sympathy. Look at it, as it was, about three weeks ago, represented in the very temperately-drawn resolutions of the Irish supporters of her Majesty's Government, of both Houses of Parliament, whose representations and tenders of co-operation, however, appear to have been alike disregarded by the Minister to whom they were addressed. Look at the latest accounts from Ireland, and read of disaffection rapidly overspreading the land and the organized masses of the population, more and more intent upon the overthrow of Church and State, and the dissolution of the Union between the two countries. And then, my Lords, it may well be enquired how has the determination so strongly expressed, about two months ago, by the Ministerial Leaders in both Houses of Parliament, to use all the power and influence of the Government in maintaining inviolate the terms of the Legislative Union between Great Britain and Ireland, been followed up? Calculated as that declaration was to lead to the belief that something would be done to put a stop to the Repeal agitation, how has the awakened confidence of the public been justified? Why, by the single act of the dismissal of magistrates holding opinions in favour of Repeal, for which it is the object of the present motion to censure her Majesty's Government. Meetings for the Repeal of the Union have, nevertheless, continued to be held, more frequent and more numerously attended than they were ever before known to be,—meetings declared by my Lord Chancellor upon the Woolsack to be illegal, and by Sir Edward Sugden, the Lord Chancellor of Ireland, to be "Not in the spirit of the constitution." Meetings at which hundreds of thousands are congregated together, not for the purpose of deliberation—not for the purpose of petitioning Parlia-

ment, but for the purpose of exhibiting the amount of physical force that may be any where brought together, by which it is proposed, if necessary, to obtain by force a concession of demands—meetings, in fine, at which the population is incited to disaffection and rebellion, by every device which unscrupulous ingenuity can suggest. Such meetings have been matters of every day occurrence, and notwithstanding their illegal and unconstitutional character, and what Sir Edward Sugden has further noticed, "their inevitable tendency to outrage," not a step has been taken to put a stop to them. My noble Friend proposes to condemn the act of dismissing the magistrates as unconstitutional. I shall not, my Lords, discuss that question which others are so much more competent to decide, but I must observe, that it is most unfortunate that the only overt act of her Majesty's Government implying disapprobation of those meetings since the declarations made in Parliament, should have been one of such questionable propriety. I would, however, give her Majesty's Government credit for having acted from the best motives. The noble Duke has represented the importance in an emergency, such as the present, of having only such men in the commission of the peace as the Government could count upon in case of a breach of the peace resulting from what is now going forward, that he could have no confidence in magistrates who had shewn themselves in any degree the promoters of the Repeal agitation. And I agree with the noble Duke in this view of the case. But giving every credit for singleness of purpose and good motive in the step the Government thought proper to take, I must say, that one more injudicious, less likely to check the progress of the Repeal movement, or rather more likely to give it an increased impulse, could not have been taken, while the meetings themselves were not prohibited. What, my Lords, has been the effect of it? Why, the magistrates who have been dismissed (and these include some very efficient and respectable magistrates, whose loss from the bench will be attended with much inconvenience, particularly I will say in the instance of Sir Michael Bellew, a Roman Catholic gentleman, most respectable in every relation of life, and especially as a landlord and country gentleman)—I say the magistrates so dismissed have, and with some reason, felt themselves unjustly dealt with, precluded from expressions,

while others have been freely permitted to express their opinions upon a subject, on which there has always existed a difference of opinion in Ireland. Many have thence thrown themselves with increased ardour into the van of the Repeal movement, with their influence as Repealers immensely enhanced; and, in attending those great meetings, they have been relieved from the sworn obligation they before were under of acting as justices of the peace in the event of any riot or disturbance.—My Lords, such a measure, even if otherwise unobjectionable, was not suited to such an emergency. If the Repeal meetings were illegal as well as unconstitutional, it was the duty; and very certainly the part of sound policy in the Government to have put a stop to them. If, however, notwithstanding the very strong opinion given upon the subject by the Lord Chancellor, a doubt has arisen as to their illegality, I must say, that considering the representation given of them by the Irish Chancellor, “that they had an inevitable tendency to outrage—that they were not in the spirit of the constitution, and that they might become dangerous to the safety of the state,”—Considering also their manifest inconsistency with the proper objects, I might also say with the very existence of Government, it was still the duty of the executive, if needful by applying to Parliament for the requisite powers to put a stop to them.—But in the absence of the requisite energy, or of any properly conceived measure on the part of the Government, to what do we owe it that there has as yet been no outbreak in Ireland? My Lords, the noble Duke has told you upon what the Government rely for the maintenance of peace; that the peace of Ireland, (if peaceful a country can be called, with a population breathing defiance against the constituted authorities)—but the peace of Ireland, such as it is, is admitted by the noble Duke to be dependent upon the disposition and power of one individual, and that man, let me observe, a dismissed magistrate,—My Lords, if such be the reliance of the Government, which I confess I have heard with very great surprise, I would beg to warn the noble Duke that, great as is the influence of Mr. O’Connell, undoubted as is his interest to avoid any open breach of the peace, his influence may not always be equal to his desire to keep within bounds that immense physical force which he has been instrumental in pledging to carry the

Repeal of the Union, and which is now wrought up to a state of unexampled excitement upon the subject. Mr. O’Connell’s power, so far from being relied upon by the Government, should be considered by them as evidencing a most diseased state of society, the causes of which the Government should investigate.—One cause of it, I regret to say, is to be found in the opinion that very generally prevails in Ireland, an opinion which experience has too much justified, that the most strongly expressed determination of a Minister of the Crown to resist any organic change in the Constitution, the most conclusive arguments urged against any such measure will be no bar to his being eventually the very person to carry it through Parliament. The mode by which the Catholic Relief Bill was carried,—an act in itself just and politic, and which ought to have been settled at the period of the Union, but which owing, to the time and circumstances under which it was passed has been most unfortunate in its results,—the history of the passing of that measure, and of the series of inroads upon the Protestant Constitution of the country with which it was followed, have gone far to justify the policy adopted in the practice of Mr. O’Connell, of intimidating, menacing, and embarrassing weak Governments for the purpose of effecting such objects as he may have in view. He has, in fact, learned, by experience, that if he cannot always obtain the whole of his demands, he will very certainly receive an instalment of what he is pleased to call the debt due to Ireland. Your Lordships need hardly be told what the nature and amount of that debt is stated to be at the present day, that it would involve not merely a Repeal of the Legislative Union between England and Ireland, but a severance between the two countries in respect of religion, laws, interests, sympathies, in all but a nominal Sovereignty of the Crown, which feeble bond of union would doubtless soon also be dissolved by the conflicting interests of the two nations, and the demand that would assuredly soon be made that the Sovereign of Ireland should reside among her people. It is, my Lords, to be looked upon as a consequence of the weakness and want of any fixed principle of action in successive Governments in Ireland, of ruling upon an unsound principle of conciliation, consisting not in the faithful and vigorous discharge of the functions of Government, but in compromising the



laws and principles of the constitution, that professional agitators are enabled so easily to teach the Irish population to despise Government, and to join them in assailing the fundamental Institutions of the country, which were designed for the general advantage of the whole country, and not, as it is by some falsely or ignorantly asserted, for the benefit of a particular class or sect—Institutions, which it should at all times be the practice, as it is the duty, of the Executive Government to strengthen and uphold, and by their own example to lead others to respect. What my Lords is the language of Mr. O'Connell with respect to the concessions that have been made at the expence of the Established Church? I will with your permission read a short extract from a speech, reported in the Dublin Evening Post, to have been delivered by him at the great Repeal meeting that took place at Skibbereen about the end of last month.

“He (Sir James Graham) said that the Catholics took an oath not to disturb the Established Church as settled by law. Why the Protestant Church, as settled by law, when he (Mr. O'Connell) first took the oath, was a different thing from what it was now, when he took that oath first, the Church established by law in Ireland had eighteen Bishops and four Archbishops. And the Protestants themselves cut them down to eight Bishops and two Archbishops. This was a definition of the Church as settled by law; and they said he was bound by the first oath he took; but there could be nothing more ridiculous or absurd. [*Cheers.*] At that time, too, these Church-rates all over Ireland; they were collected every Easter, and the people well remembered them “*Hear.*” There stood the man who abolished them—[*Veheement cheering.*] Yes! he took away 72,000*l.* a-year, which were levied off the Catholic people of Ireland for building Protestant Churches, and he was now told that to the first oath he had taken he should adhere. [*Cries of “Oh!”*] As he before stated, nothing could be more ridiculous or absurd. Then, with respect to tithes, it should be known that there were no tithes by law now; they were converted into rent-charges; and from that one-fourth had been struck. [*Hear, hear.*] The law settled their Church, and settled it again, and would continue to settle it; and what he proposed was, that every Parson should be paid by the Protestant who required his Ministry.—[*Loud Cheers.*”]

These sentiments, my Lords, and the manner in which they were received at that great meeting, strikingly, but painfully, exhibit the feelings of a considerable portion of the Roman Catholic population, with respect to the securities taken at the

passing of the Catholic Relief Bill, for the future inviolability of the Protestant Establishment, and of the effect of all the subsequent concessions, professedly designed for its better security. The operation, in fact, of the whole policy of concession, that has been for a long course of years pursued, has been to lower the standard of morality among the people, and to beget feelings of disrespect for the institutions and Government of the country. The course that her Majesty's Government proposes taking, as we have just learned from the noble Duke, is to allow the fever of the Repeal agitation to wear itself out, merely taking the precaution of sending a sufficient military force into the country to be prepared for any outbreak or insurrection. No one, my Lords, for a moment doubts that a comparatively small number of disciplined troops can with ease disperse or overthrow the largest assembly of an undisciplined mob; no one doubts the power of England to strike with effect when she pleases; no one, except the poor deluded peasantry, who are industriously taught to believe their physical and combined strength invincible, and who knowing themselves to be individually brave, believe what they hear, and perhaps long to measure their strength with an adversary. But I must deny that it can consist with the proper objects of a paternal Government thus to jeopardy the lives of our Irish fellow-subjects—thus to confine their care for the country to the contingency of having to take military possession of it, after the outbreak and calamities of an insurrection, the probability of which is indicated by the very precaution of sending the military into the country. I cannot think it consistent with Ministerial duty to look on, as it were, with calmness and indifference at the dangers which threaten, and against which there is but one opinion as to the importance of applying a remedy. It may possibly happen that, after all, there may be no open insurrection. The abundant harvest with which a kind Providence again promises to bless the land, may, by withdrawing for a time the attention of the peasantry from politics to the more grateful task of gathering in the harvest, seem to justify the foresight and sagacity of the Minister. But will any of your Lordships tell me that the Repeal agitation will therefore be without its evil consequences? Can it, with a shadow of reason, be hoped or believed that the mul-

titudes who have enrolled themselves as Repealers, will so soon forget their pledges, their money paid, and the exciting language of their leaders, which yet rings in their ears? Such a hope, my Lords, is visionary. Is it too a matter of no moment that a precedent should be made for the unchecked holding of meetings declared by the highest law authorities to be illegal and unconstitutional, and to have an inevitable tendency to outrage? Is it a matter of indifference to the Government, that the minds of the population should be day after day poisoned by seditious harangues, and by the dissemination of opinions utterly opposed to the maintenance of the fundamental institutions of the country, and to that social harmony which the excitement of great political questions in Ireland has so often disturbed? I am quite sure, my Lords, that her Majesty's Government do not feel that indifference to the welfare of the Irish people, which their policy, as now propounded, looking alone to the putting down, and not to the preventing of insurrection would seem to indicate. I would entreat them to look the question of Ireland well in the face, and to show themselves, what I am sure they are, well able to cope with its difficulties. If the law is insufficient, as it now stands, to enable them to act with effect, let them, even now, apply to Parliament for such powers as they stand in need of. To a conciliatory policy towards the country at large, no one can, or ought, to object; it is the very thing that Ireland stands in need of. But conciliation must not consist as heretofore in weakness, vacillation, and compromise, but in upholding the institutions of the country—in administering the law with firmness, vigour, and impartiality—in promoting the social, moral, and physical welfare of the nation, by means of education, and especially by education based upon the only sure, but now abandoned, ground of revealed truth—by the liberal endowment, as in former times, of institutions for the promotion of practical science and of agriculture, and by the undertaking of great public works. In this way the public money will be much more economically and usefully laid out than by sending troops into the country. The advantage to be derived from money so laid out would be immediate and great in the gratitude and returning quiet and contentment of a large population, at present poor and unemployed. The remoter advantages would

be immense in the development of the resources of a country by nature rich, and only poor through the fault of misrule. And I am firmly persuaded that by a judicious expenditure of public money, with this object in view, even the Exchequer would be largely repaid, as the produce of the Excise and other indirect taxes came to indicate the increased consumption of taxed articles, and consequently the increased comforts and enjoyment of the Irish population. But even if money were not granted, great benefit would also result from money advanced for public works, as the Government would thereby, showing confidence in repayments from Ireland, remove much prejudice from the minds of English capitalists against investing their money in that country. I will not, my Lords, further dilate upon this subject, which happily engages much of public attention, and meets with the advocacy of so many at the present moment, but shall conclude the observations, with which I have trespassed upon your Lordships' attention with one remark. My Lords, it is not by flattering the Irish people in their prejudices; it is not by passing hollow compliments to the Roman Catholic priests, as the conservators of the public peace, and aspersing the character of the Irish landlords by vague and general accusations, as if they were at the bottom of all the evils and disturbances of the country, it is not by sacrificing the temporalities of the Established Church and discouraging the Protestant religion in Ireland, least of all is it by excluding the Holy Scriptures from the national schools for the education of the poor, that the condition of Ireland can be improved. But it is by upholding the law, by ruling in the spirit of the fundamental institutions of the country, and by directing the energies of the people to useful and beneficial purposes. It is by these means that the welfare of Ireland and of the empire may be promoted, it is by these means that the Government may become respected, and it is only by such means that with the blessing of Divine Providence, the Union of Great Britain and Ireland can be effectually and permanently consolidated.

Earl Fortescue said, that in the observations he was about to make he should endeavour to confine himself to the subject immediately before the House, and to divest himself as much as possible of all party feelings and prejudices. He had listened with the greatest attention to the



speech of the noble Duke, but he could find in it no grounds for altering the opinion which he had entertained from the first, that the course adopted by the Government in the dismissal of the Irish Magistrates was unconstitutional in its principle, and unfortunate in its results. The noble Duke had dwelt much on the distinction to be made between the attendance of magistrates at repeal meetings before and after the declarations made by himself and his right hon. Colleague, in the other House of Parliament; but he could not admit that the speeches of Ministers in their places in Parliament had the power to add in the least to the obligations which their own sense of duty might impose, either on magistrates or on any other person, to maintain the legislative Union. If the meetings which those magistrates had attended, were of the character which the noble Duke had ascribed to them, the Irish Government ought to have issued a proclamation to put them down in the first instance, and should have followed it up by the steps necessary for giving it effect. That had not been done, and he thought that the magistrates had been ill-used in being subjected to the penalty of dismissal without due notice. And what had been the result of the proceedings? Many highly respectable gentlemen had voluntarily resigned their commission—gentlemen in whom the great mass of the people of Ireland placed the greatest confidence. The noble Duke, had, it appeared to him, treated somewhat too lightly the question of sympathy on the part of the Irish people for the dismissed magistrates. That was a circumstance by no means to be disregarded in the present state of Ireland, where respect for the administration of the law was not of so old a growth as it was in this country, and where it was, therefore, the more necessary to do nothing that could impair it; and what was the time selected for the dismissal of the magistrates? It was the very moment when the Government was introducing into Parliament a measure, giving powers of a very stringent character, for regulating the possession of arms in Ireland. To show some of the effects likely to flow from the removal of the magistrates, he need only point their attention to what had passed at the last meeting of the repeal association. On that occasion, notice was given by Mr. O'Connell of the intention to appoint arbitrators throughout Ireland, to whom the people were ad-

vised to appeal for the settlement of disputes, instead of to the magistracy. Their Lordships might be sure, that amongst the very first of those arbitrators appointed would be the dismissed magistrates. It would be impossible to prevent the people from appealing to the arbitrators, and thus the magistracy would be deprived of that portion of their duties which obtained for them popularity and good-will, and would retain only the more ungracious task of imposing penalties and inflicting punishments on offenders. He could not but look upon such a state of things as that as a great calamity. He had, however, heard with much satisfaction, from the speech of the noble Duke, that it was not the intention of the Government, under present circumstances to have recourse to any measure of coercion, as such a proceeding on their part would but aggravate the evils under which Ireland was labouring. But there were measures of a different character, which might justly claim the attentive consideration of the legislature, and which, as he thought, might most advantageously be adopted. He must confess, that he considered one of the greatest grievances of Ireland to consist in the present state of the Protestant church. It had always been his opinion that the existence of a church so disproportionate to the numbers of the people in communion with it, was not only a calamity, but a scandal to the country. He had frequently heard in former times, of the benefits arising from the residence of Protestant clergymen in different parts of Ireland, earning the respect and affection of their neighbours by their exemplary discharge of the duties of resident country gentlemen, even when they had no clerical functions to perform, but he never could agree in that opinion, on the contrary, he felt that the contrast of our richly-endowed clergy with the scantily paid ministers of the great body of the people could not fail to engender feelings of dissatisfaction. He wished to see the two churches placed on an equal footing; both attached to the state, and both paid by the state. There were likewise other evils in the social condition of Ireland which required to be seriously considered, and among them in particular the relation between landlord and tenant, which had formed so prominent a topic in the present agitation, and he feared not without some just ground of complaint. He was well aware of the delicacy and difficulty of any interference with the legal rights of pro-

perty, but he could not help feeling, that "property had its duties as well as its rights." One of the first duties of the possessors of all property, was, undoubtedly, to care for the well-being of their tenantry. In furtherance of this end he should strongly advise that the extensive clearances of estates should be speedily made the subject of Parliamentary enquiry, with a view to some legislative measures on the subject. There were probably few estates in Ireland from which the removal of a part of their population might not be desirable, but that removal should certainly be put under some restrictions. He had been led to trouble the House with these observations, because he felt that the subjects to which he had referred were among the most prominent sources of the present discontent; at the same time he was fully alive to the difficulties of her Majesty's Government. He did not wish, unnecessarily, to aggravate those difficulties, far from it; but he must say, he thought, that an attentive consideration of all the circumstances of Ireland, with a view to the redress of her manifold grievances was absolutely necessary for ensuring tranquillity, and contentment, to that important portion of the empire, thereby securing the integrity and stability of the whole.

The Earl of *Mount-Edgcumbe* said, that this must not be considered a generally Irish question; on the contrary, it was a question in which the people of all parts of the empire were interested, and he felt that on that ground he might be excused for addressing to their Lordships a few passing observations. Judging from the course taken by the magistrates, he could not but think that the Government was fully justified in dismissing them. Every one knew what were the duties of a magistrate, and what was the character of the contract into which he entered on assuming office. It was his duty not only to lay down and enforce the law, but as far as possible to prevent the possibility of its infringement. Now, would anybody dispute that those meetings were calculated to produce great excitement and alarm? The noble Marquess opposite had talked of the injustice of punishing the magistrate; he should have remembered, however, that the magistrate was not appointed for his own honour or advantage, but for the purpose of maintaining the law and supporting the Government in the maintenance of the law; and the act of countenancing the repeal agitation therefore did, in fact, render him unfit

for the trust reposed in him. With respect to the state of the population of Ireland, he had always been ready to avow that it was a foul disgrace on the character of this country. It was a blot on our escutcheon, which completely precluded us from claiming that station among the nations of the civilised world which, upon every other account we were certainly entitled to. Holding that opinion, whilst he should be most happy to join the Government in controlling—aye, even in punishing those who were playing with the sufferings of the Irish people, he did not hesitate to say, that he should shrink from any measure which, having a penal effect, would add a bitter drop to Ireland's already sufficiently wretched lot. It was difficult, most difficult, for him to say what remedies ought to be applied; perhaps there were none which were not to a certain extent objectionable. As, however, a physician in the crisis of an alarming disorder was sometimes obliged to resort to medicines scarcely less injurious to the constitution than the disorder itself, so in a case of this kind the Government, if necessary, must not hesitate to have recourse to strong, and even at other times, objectionable enactments. If this was a proceeding which would meet with condemnation on the one side, they might depend on it that less energetic steps would by their opponents be attributed to their fears, and would be succeeded by measures having for their object to enforce further concessions. There might be some doubt, it was true, as to how far some who now supported the administration would go along with them if they adopted a bolder policy. For his own part, however, if they threw aside what he would call their "old opinions," he should not hesitate to support them in any just measures they might propose; and if this was considered to be engaging over much, he would beg those who heard him to remember that the present was a Government in which he placed implicit confidence, and that the present crisis was of a character which might perhaps best be described as the preliminary of a civil war.

The Earl of *Glengall* said, that, with respect to the propriety of the conduct of the Lord Chancellor of Ireland, and the Government in the superseding of magistrates, which, was, after all, the real question for consideration, no man could doubt but that Government was fully justified in that supersession. But the manner of it was quite another thing—and, for his



part, he regretted that the manner was not as equally correct as the act itself; he could wish that those letters to which so much attention had been drawn had not been written; but, that the offending magistrates had been dismissed solely on the facts and merits of each case. Looking at the dismissal, by these letters, in a constitutional point of view, much, undoubtedly, might be said; but, on that branch of the subject, he would not enter, preferring to leave it in the hands of noble Lords whose eminent knowledge and experience better qualified them for such considerations. On the subject of the great and intense sympathy felt by the people in Ireland with those superseded magistrates, much, indeed a little too much, had been said. The sympathy was not quite so strong nor so general as noble Lords seemed to imagine, because it was apparent that in the cases of many of those magistrates, the people must be aware that in their voluntary martyrdom, political and party motives had a good deal to do, and he thought many of them had since found out that they were not quite the martyrs they desired to be. And though he did not deny, and did not attempt to conceal from himself, that the public would sustain some loss by the retirement of some of those gentlemen, who were remarkably good and efficient magistrates, he must be permitted to ask, whether others superseded, had been efficient and in the habit of attending to the duties of the magisterial bench. Of such he must respectfully say, that perhaps their loss would not, by their brother magistrates nor by the public, be very sensibly felt. A good deal of observation had been directed to the institution of the arbitrators, as it was called, which was said to be contemplated—and which, in fact, was to subvert all judicature and all courts of justice, for it would be seen that the plan contemplated the setting aside of not magistrates alone, but all other and higher courts of law. In that plan, or rather in that proposal and menace there was nothing new. He remembered perfectly well that in the year 1829, previous to the time when Government came down to Parliament and declared its intention to concede Catholic emancipation, precisely the same plan was suggested, the same menace was held out. It was a mere political move, and nothing more—and to it he could not attach any considerable weight. And now with regard to those repeal meetings, he could not conceive how any noble Lord could say

that they were legal. Let noble Lords remember the case of the meetings at Manchester in 1819, and point out any difference between such vast assemblages collected in the one case as repeal meetings, in the other as reform meetings. In the Manchester case, the objects were vote by ballot and universal suffrage, and those other equally wild theories advocated then by Mr. Hunt, by whom the memorable meeting to which in particular he alluded was convened. For the part he then took Mr. Hunt was prosecuted and sentenced to two years' imprisonment. And what was his crime? The charge was, that he had countenanced or convened a tumultuous assembly—an assembly of many thousand persons ostensibly met for the purpose of petitioning, but marching in regular military array, with bands and banners, and the other insignia of organization. But before Mr. Hunt had addressed that meeting at all, it was dispersed and persons were cut down. The meeting was dispersed and prisoners made, although no actual breach of the peace had been committed—no treason had been uttered, as it was uttered daily in Ireland. In Ireland those meetings were accompanied with all those insignia of organization—the vast multitudes assembled in regular array, marshalled in battalions, headed by leaders, and attended by bands and banners, and foulest treason was spoken. He should wish noble Lords, who talked so frequently and so much about the necessity of assimilation between the countries, about the duty of applying the same principles and the same laws to both countries, to explain why the same principles and the same laws were not to be applied in cases thus almost identical—nay, why the law should be applied where the case was less strong, should be slighted where the guilt was more manifest? He should like to learn whence arose, and what was the difference that rendered that which was illegal at Manchester, legal at Waterford? On the legality of such meetings that eminent authority Lord Plunket had pronounced his opinion—and all who had heard must remember the powerful, the convincing, and unanswerable speech then delivered by that noble Lord. Another consideration which should not be lost sight of—was the state of the people. He was the last man that would propose or recommend measures of an unconstitutional character, or sanction the granting to Government powers beyond the ordinary powers of law and of the ex-

ecutive; but he could not conceive how any well-wisher to Ireland, how any friend of law and of the constitution, could refuse such powers if asked for, when the alarming and critical condition of the country was considered, when the whole mass of the population was subjected to the poisonous influences of daring sedition. He could refer to instances where strong measures had been adopted, when the necessity for them was not one-tenth part as strong as at present. Forbearance was to be commended, but forbearance had its limits; forbearance might be carried too far, and in mercy to all Ireland it was the duty of the Government, it was the duty of Parliament to do all that Government and Parliament could do, in order to afford some better protection than mere military means and the presence of a military force. That protection they ought to provide for the poor deluded people, who were fed with hopes in which they were sure to be most miserably disappointed; they were the parties who really required the greatest degree of protection; it was a solemn duty to guard them against the advice and instigation of fanatic and mischievous leaders, and to arrest them by a strong but friendly arm in that progress which would plunge them into all the horrors of a rebellion. He did earnestly hope that there should be given, and promptly given, some effectual demonstration of opinion and resolve, which might have the effect of opening the eyes of the poor misguided masses of his fellow-countrymen to the perils of their career. There was another class to whom protection was due, for whom protection was necessary—the Roman Catholic gentry of that country, his respected brethren, who resided on their estates, gentlemen of station, of respectability, of sincere devotion to the laws and constitution, a class than which there was none more deeply interested in the preservation of tranquility. Of them he must say, that their present state was even worse, if possible, than that of the Protestant gentry, for they were marked out as the first objects of a sure revenge in case they did not fall into the ranks of repeal. For their sakes, therefore, something should be done, for their sakes, if for no other reason, an energetic line of policy ought to be pursued. With respect to the Protestant gentry, to his poor Protestant brethren—those who were daily, nay hourly, subjected to menaces and insult, who were taunted as Saxons and intruders, and bearded with displays of physical force—did they—did

his poor Protestant fellow-countrymen not deserve all the protection that was due to firm, faithful and forbearing loyalty? They saw multitudinous assemblages of their adversaries held, they heard insulting harangues delivered and taunts and menaces repeated, and saw green flags, bearing inflammatory devices, emblems of 1798, and the harp without the crown, waved through fairs and markets—ay, waved in their very faces; and to all this they were constrained to submit; while those who so acted, escaped unpunished and unquestioned; but if the Protestants dared to assemble to commemorate occasions and express opinions dearer to them than life—if they displayed the purple flag they were deemed guilty of a crime against the law and were punished. Yet he was happy, he was proud to refer to their conduct on those memorable anniversaries, the first and twelfth of this present month. See how those anniversaries had passed by. Notwithstanding the annoyances, the insults, the real persecution to which his poor Protestant fellow-countrymen had been subjected, not a man, as far as he had learned, had on those days marched in procession. This was most creditable to them; it was a matter of joy and pride to their friends. For his part he could only say, that the present course of the Government—the forbearance policy—might be right; he sincerely trusted that it would be successful, and that that House and the country would have to thank her Majesty's Government. But suppose it did not succeed, what would be their position? what would they say then? He had a very shrewd guess what the country would say, but he could not guess how the Government would then account for its supineness. Forbearance! Their Lordships had much of that, but he would ask, what on earth was the Government waiting for? Were they waiting until the whole population of the country was simultaneously assembled under their fanatical leaders—were they waiting until they were marched in military array to the appointed rendezvous—were they waiting until the signal fires should blaze from Donegal to Kinsale (and those fires had been rehearsed already between Limerick and Waterford)—were they waiting until New Ross and Wexford were in possession of the revolutionists—or did the “do nothing” people wait until in the north another Wolfe Tone appeared with a hostile fleet off Carrickfergus, or another Hoche with another armament was found in Ban-



try Bay, in the south? Such things happened forty-five years ago—and might occur in 1845. Could they wait until another Humbert gained another victory at Castlebar? Forbearance under some circumstances was a virtue, but it might be carried too far and become a crime. Let them remember that “the wise and valiant conquer difficulties by daring to defy them, whilst the timid shrink from the sound of fear and danger, and create the impossibilities they dread.” Their Lordships had done already a vast deal for Ireland in the way of concession. They had already conceded Emancipation, the Church Temporalities Act, Grand Juries and Criminal Juries Acts, and Municipal Corporation Reform. They had also repealed the Subletting Act; and let them see what little satisfaction these concessions had given. What return had they received?—what did the Repealers want? That he knew, but he would not at present say. With respect to the corporations, they were all, with the single exception of that of Belfast, repeal conventions—nay, even the boards of Poor-law guardians had formed themselves into repeal committees. The noble Lord opposite had rather thrown a slur on the appointments made by the Government in Ireland. It was complained that they had appointed their own friends to office. That was very true; but noble Lords opposite ought to be the last to complain of that—for, if ever there was a Government unscrupulous in its appointments of friends and partisans, that was the Government to which noble Lords opposite belonged. He did not quarrel with them for those appointments, but, nevertheless, he thought they should not have taken their Attorney-general out of the National Association. He was not one of those who advocated the wretched policy of abandoning one’s friends for the sake of gaining one’s adversaries. If there was one reason why, more than any other, he gloried in being an Irish Conservative it was that scarcely a man of that party had, during the thirteen years that noble Lords opposite had been in power, abandoned his colours or surrendered his opinions for base lucre. Another grievance—a grievance for want of a better—was the fixity of tenure. This, of course, was an attack upon the landed interest. He had no objection to the suggestion of the noble Earl (Earl Fortescue) who spoke last but one, that there should be a legislative inquiry into the circumstances and relationship of

landlord and tenant in Ireland; but he would venture to express his firm conviction that the landlords of Ireland, if the people of England knew the whole truth, would be pitied instead of being abused. Of the *bonâ fide* landlords, those who were possessed of 10,000*l.* down to 2,000*l.* a year, he would say that no men strove more heartily to benefit their tenants, but the difficulties with which they had to contend were frightful. It was heart-rending to endeavour to do good and to fail. It was quite true that there was a class of landlords amongst the middlemen, bankrupt landlords, whose circumstances might compel them occasionally to commit or permit hardships; but surely all the rest were not to be blamed for the conduct of those unfortunate persons. It often happened, too, that low attorneys were in possession of lands under the courts; and they, acting with strictness in the management of the estates in their hands, might also, and very often did, inflict severe hardships upon tenants. All these things were talked about; the people of England heard of them, but without the necessary explanations; and, moreover, nothing was lost in the talking of them, but a great deal more was often added. But there was a great deal of political business frequently mixed up with the relation between landlords and tenants. After the passing of the Emancipation Act, it became necessary for those who wished to wield power over the people to disunite landlord and tenant, in order that they might be the easier used for political purposes, for without that power they would not be able to marshal the people at the hustings. Formerly, however, the landlord and tenant considered themselves as Members of one and the same family; it was not then a very safe thing for one landlord to oppress or annoy the tenant of his neighbour; and frequently would a landlord risk his life for the protection of his tenant, who might be oppressed by a bad neighbour. The landlord was, in those days, ready to risk his life for his tenant. Another very singular fact connected with this agitation was, that there was a little Roman Catholic Church temporalities business mixed up with this fixity of tenure cry. The people of England should know that the Roman Catholic clergy receive dues voluntarily paid by the Roman Catholic population, consequently the greater the population the greater the amount of dues they received. The Roman Catholic priest had, therefore,

a direct interest in the subdivision of property—the greater the number of small holdings on an estate the better for the income of the priest. The large farms were not near so valuable to them, even though held by Roman Catholics. How would English landlords, noblemen, or gentlemen like to have their estates cut up into small portions of five or six acres, and fixity of tenure established? Just let them think of that, when they heard the landlords of Ireland upbraided. In later years agriculture in Ireland had vastly improved. Great numbers of the Protestant gentry, and very many of the Roman Catholic gentry too, had, for purposes of improvement, taken their own land partly into their own hands, and managed farms of from 500 to 1,000 acres, from which, therefore, the Roman Catholic clergyman got nothing, when held by Protestants: but, if held by a Catholic landlord, he might receive from that whole farm perhaps 15*l.* Now, if the estate was cut up into those small divisions, he might get from 80*l.* to 100*l.* Thus it was manifest that the interests of the priest were clearly mixed up with the subdivision of land. The noble Lord opposite had mentioned something about the revenues of the church. Upon that subject he would not touch, further than to say he should very much like to see any administration either the present, or one from the other side of the House, dissolve Parliament, and go to the country upon that question. Any administration that did so, would itself be left in a minority much greater than the majority that sustained the present Government. With respect to Irishmen filling Irish situations, he was desirous of saying that he should be glad to see the Duke of Leinster or the noble Marquess opposite, Lords-lieutenant of Ireland, if the other party were in power; for he was certain that the other party could not do more mischief than their predecessors, any how. It had been the fashion for an English Lord-lieutenant and English gentlemen to go over to Ireland replete with their new-fangled theories and prejudices, and just as they began to discover their tremendous blunders, they were recalled to their native land, to be succeeded by another batch of the same sort of persons, equally qualified to thump upon the same rocks and tumble into the same quicksands from which their predecessors were only just extricated, fit objects for the care of the Humane Society. Another grievance complained of was sending over English Lord Chancellors to Ire-

land—and on this subject he was rather on the side of the grievance-mongers. It should be remembered that when a former Government had desired to promote an eminent lawyer, orator, and statesman, Lord Plunket, to the office of Master of the Rolls in England, Gray's-inn, Lincoln's-inn and Westminster-hall all rose in dread commotion, became absolutely tumultuous in opposition to such an appointment. But when that eminent lawyer was displaced from the office of Chancellor in Ireland, and another appointed, the Irish bar retaliated—then arose their cry of reciprocity and free trade in Chancellors. Nothing could have been more untoward—nothing more inopportune, than the arrival of the Scotch Chancellor, unless it were the arrival of Scotch coaches. With regard to lawyers and coaches, the Irish people were desirous of nothing but pure Irish manufacture. Now, to turn to a more serious subject, the stagnation of trade in Ireland. Those who complained of the stagnation should remember that it had been increased if not caused by the agitation that harassed the country. If any imagine that a matter to be deplored—that would tend to deceive them as to the agitation, it would open their eyes—banish their errors—for as passive resistance would cause non-payment of tithes, rents, taxes, cess, and everything else, the people would keep the money in their pockets, and would be much better off to be sure than if it was in the pockets of the landlord, or in the coffers of the treasury, and stagnation of trade could then be a matter of little regret. But, to deal with the subject more seriously. He would ask those who imagined that the agitation would subside, what reason they had for that opinion? Why, the chief agitator, leader, general, director—dictator, for that was his proper appellation, laughed at such an idea—he declared that nothing the Government could do could stop the agitation! The Government made declarations, but the great dictator looked on the declaration as mere words, and the people thought so too. Every day but added to the numbers and strength of that agitation. Did a former agitation in Ireland subside until emancipation was carried? Did the French disaffection subside? Did it not go on until it ended in revolution? Were not the King and Queen and nobility of France, and afterwards the Roman Catholic clergy and religion destroyed? Did not the senate of France afterwards declare that there was no God? Are you waiting for such events as



these, (exclaimed the noble Lord) ; I would offer one word of advice to the Roman Catholic priesthood. I would point out to them the danger of the career they are now pursuing. I would beg of them to turn to the pages of history, and there read the results of revolutions to the Roman Catholic Church. Let them remember that the revolution in the United States of Holland destroyed the Roman Catholic Church there ; that in England our glorious revolution was most destructive to the interests of the Roman Catholic Church ; and that in France, in 1790, the Roman Catholic religion was annihilated. Let them turn to the new world, and there see how, again, the interests of the Roman Catholic Church in Spanish America were blighted. Let them see what happened again in France, in 1830. Whose was the first palace sacked, whose the first life sought ? Those of the Roman Catholic Archbishops of Paris. And in Spain, only the other day, let them see how the nunneries and monasteries were demolished, and the revenues of the church confiscated and plundered. Let them, I say, reflect on these things. Surely it is the duty of the Roman Catholic priesthood, as ministers of the Christian religion, to teach their followers good fellowship towards their neighbours, and the duty of man to man to preserve peace, to respect authority, and to do that which is right to all, instead of suffering themselves to be led away by fanatical leaders, and rushing into all the miseries and horrors of a revolution.

The Earl of *Wicklow* did not regret this motion, but he did the manner in which it had been discussed. He believed that the dismissal of the magistrates was unconstitutional and unjust, and the grounds for it appeared to him to be totally untenable. It had been stated by the noble Marquess, that no notice was taken of their conduct until after the declaration of Ministers in this House ; but that declaration made no alteration whatever. The noble Duke had said, that when the declaration was made in Parliament it became a matter of notoriety that the Government determined to maintain the Union, and, therefore, the magistrates ought to have known their duty ; but that did not afford the slightest ground for the conduct of the Lord Chancellor. There were times in this country when the carrying of the Catholic Emancipation Act was thought just as remote and impossible as the carrying of the Repeal of the Union now. It was by peti-

tions got up at public meetings, coming in, as they did, to Parliament, that that measure had been carried. In his opinion, therefore, the grounds laid for the dismissal of those magistrates for attending those Repeal meetings were unconstitutional and unjust ; but at the same time he must state his opinion that these magistrates had been properly dismissed from their office, for it was impossible for any magistrate who attended those meetings, and heard the insults heaped on this country, and the outrageous language applied to everything dignified and exalted in this country, to do his duty as a magistrate subsequently. If any magistrate were quietly to stand by and not protest against the language used at those meetings, which they knew none of these gentlemen had attempted to do, he would say that on that ground, and on that ground alone, they were unworthy to hold their commissions. Agreeing with the noble Lord's resolution so far, was he called upon to give his vote in accordance with it ? By no means. He had been long enough a Member of that House to know how to construe and consider the phraseology of resolutions proposed to Parliament. He considered the resolution proposed to imply nothing more nor less than a censure on the Government ; and if he were by his vote to say he would censure her Majesty's Ministers, and thereby tend to dismiss them from their places, and place in their stead noble Lords opposite to fill them, he was bound to consider something more than the resolution, namely, what the consequence to the country would be from passing it. He found in office men who in their acts of government, whether foreign or domestic, had in his opinion performed their duty in the best manner for the interests of the country. He had not been able since they came into office to place his finger on a single act of theirs of which he did not approve. Allusion had been made to their appointments in Ireland ; but there was not one of them which did not reflect on the Ministers and on the object of their choice the greatest honour. In their appointments for the Church they had selected the best and fittest men, without regard to party or any other consideration. Under these circumstances, when he compared their acts with the acts of those who must be their successors, he considered that in giving his vote to keep them in office, he considered he did that which tended most to the welfare of his

country. They had heard a great deal from the noble Lord opposite on the back benches (Earl Fortescue) and from others, against the Government for doing nothing, and that they were called "the do-nothing Administration." He had heard much on this subject, but no two men ever agreed upon it. Some said, "Why don't Ministers come down to Parliament and ask for further powers?" Others praised them for not asking for further powers, but blamed them for not showing energy in other quarters. He conceived that Government had best done their duty to the public by not asking for any further powers; he considered the laws of the country were enough for any present emergency. He was satisfied, from the conduct of the Government, that they had an anxious eye towards Ireland, and he was convinced that the disturbers of the public peace in that country knew it too; and he was as satisfied as that he addressed their Lordships that there was not the least danger of any outbreak there. He trusted to the great influence of Mr. O'Connell himself and to the priesthood of the country to prevent this. If he knew the character of the individual he had alluded to, he would not excite them to actual outbreak, because if he had the least spark of honour in his breast, having goaded the people on to outbreak, he would be ready to take his share in it. It was for that reason that he did not apprehend any danger of any outbreak. As to the measures of conciliation required, they were told by the leaders of this agitation what they desired when they told the people what they would give them when they had their own Parliament. They told them that they must have universal suffrage and annual Parliaments. Was the noble Baron opposite prepared to give them that? They must have fixity of tenure, which meant confiscation of landed property. The noble Earl opposite said, he would give some consideration to that subject; but he would ask the noble Earl, could such a measure be at once introduced? Then they demanded a total sacrifice of the Established Church. The noble Earl had intimated that he was willing to make concessions on that point. The noble Earl had stated that the condition of the Established Church in Ireland was an anomaly. He would ask the noble Earl when he and his party were ten years in office, why had they not proposed something on the subject? The noble Earl's party never thought of subverting the Church;

they had brought forward a measure which had an invidious tendency regarding the Church in Ireland, but they had said they did it to support and uphold the Church. They did it under false pretences. And yet, for not bringing forward measures of this kind, the present Ministers were taunted with not doing their duty. From what he had read in the public press of what had passed in another House on this subject, he did declare to their Lordships that he had been perfectly disgusted with the leaders of the Whig party for their conduct. He had never been more astonished than on reading the speeches of noble Lords and hon. Gentlemen who had held high office under the former Government, and who had remained ten years in office without redressing grievances of which they now complained; and then when they saw the Government embarrassed under the circumstances of the country, for party and factious motives they lent themselves further to embarrass the Government. It was enough to disgust the country with the professions of public men. It had been stated as one of the great evils of the dismissal of the Irish magistrates that the remainder of the magistrates were to be superseded by the voluntary appointment of arbitrators. He had not the slightest apprehension of this. This had been merely spoken of by Mr. O'Connell, and had got into the public prints, and it was now taken for granted that such would be the case. But what power would those arbitrators have to enforce their decisions? Was it to be supposed that the Protestant inhabitants would go to these arbitrators? Or that the aggrieved and defeated party would rest satisfied with their decisions. The thing was absurd, and the threat held out was futile. He was disposed to think that the present agitation would wear gradually away. His noble Friend who had just sat down thought it would continue, as the agitation for the Roman Catholic Emancipation had done. But the emancipation agitation never could have succeeded if it had been confined to Ireland. Emancipation had been conceded because the majority of the people of this country were opposed to the further continuance of restrictions upon the Roman Catholics, and because Emancipation was in accordance with common sense and justice. If the Repeal of the Union were a question of the same kind, if it ever were advocated by a majority of the thinking people of this country, then he said it ought to



pass into law, as had the Roman Catholic Emancipation, because it would be based on justice and reason; but till that took place, so long as this agitation was confined to the mere mass of the people, and not even to them, he did not think such a measure either ought or would pass into a law. He believed that this question was merely had recourse to for the purpose of intimidating this country; he believed the great body of the country were indifferent about it, and that, though they attended repeal meetings in great masses, they unwillingly appeared. He believed the Roman Catholic priests incited these meetings to show their power, and that there was a malignant feeling at the bottom of it to give encouragement to our enemies in France and America. He did not believe that those who attended these meetings ever thought that there was any possibility of carrying their object. If this were so could it be supposed that this agitation could go on? He firmly believed that the individual at the bottom of all this agitation was grievously disappointed that some measure of coercion had not been adopted. He thought that the resolution went to condemn a Government of which he most heartily approved, and he therefore should give it his most strenuous opposition.

Earl *Fortescue* in explanation, begged to state that his opinions with regard to the Established Church in Ireland were opinions which he had entertained for a long time. With respect to the opinion of the noble Earl as to his consistency, after the expressions the noble Earl had applied to this motion, as contrasted with the vote he was about to give—after the expression of his own inconsistency, it very little troubled him what opinion the noble Earl might entertain of him.

Lord *Wharncliffe* confessed, that though his noble Friend had promised his vote to the Government, and made a handsome apology for them, yet after his speech he had almost expected that he would vote against them. He denied that the dismissal of the magistrates had taken place on unconstitutional grounds. The Government would not have done its duty if it had allowed them to remain in the commission of the peace any longer after what they had done. It was said, that the Lord Chancellor of Ireland had dismissed these magistrates for not attending to what had been said in both Houses of Parliament as to the determination of Ministers to support the union of the two

countries. He took upon him to say that they had not been dismissed for any such thing. It was stated distinctly in the Lord Chancellor's letter that they were dismissed because their attending these repeal meetings was an evidence to the Government that in case their services should be required for the purpose of putting down any disturbances which might accrue from these meetings, they could not be trusted, for they themselves had excited the people to the very acts complained of. He was told that it was very unfair not to give them any warning; but they had had warning enough. They had been told by both Houses of Parliament, under a former and under the present Government, that the Government were determined to support the Union. Turning from that point he came to the attack which had been made upon the Government by the noble Earl on the back benches. The noble Earl stated, that the Government had taken the worst means of dismissing those magistrates. It was very true, that many very useful magistrates had been dismissed; but looking at the state of the country—looking to what was going forward there, they were totally unfit to be retained or continued in the commission of the peace. Some of those Gentlemen had thought fit to dismiss themselves, and he was very glad they had embraced the martyrdom so much eulogised by those who thought with them. With respect to the attack which had been made upon them for, as was said, doing nothing with reference to this agitation, there were only two courses to pursue under such circumstances—namely, to act vigorously, and demand other laws than those now in operation, or not to do so; and, on mature consideration, the Government had determined to adopt that line which they called forbearance; and time would show whether they were right or not. Anything was better than that a Government should take strong measures, and call into action extraordinary powers of law, unless they had a strong case; and unless they could come down to Parliament and defend themselves for so doing on the ground of the state of the country. He asked, then, whether there was any reason for their so coming down, or for their making use of force to suppress these meetings? Let the House, however, not think, if it should become their duty to take those measures, that they would not do so; but let their Lordships also re-

member, that the first blow struck would lead to bloodshed and to violence, which it would be afterwards difficult to arrest or remedy. If they had thought it right to interrupt these meetings by military force, and blood had been shed, they would, in his opinion, have stood in a twenty-times worse position than they did at present. They now stood prepared for whatever might happen; and, should the peace be broken, they would be found to do their duty, but they would not be driven to be the first to take measures which might involve the country in bloodshed. They were anxious to prevent revolution: and they hoped that their forbearance, and their resistance to the strongest pressure that could be put on men, viz. the charge that they were not satisfying their supporters, would lead to nothing that might bring on such a state of things. They were, at all events, resolved not to be the first to begin such a state of things; but should necessity arise for a different course from that which they were now pursuing, they would be found to do their best to meet the occasion. A government was placed in a frightful position if it took measures of a severe character and failed, and a government should never bark, to use a homely phrase, before they could bite, and take care that when they did so they caught fast hold. Such, then, was the course the Government had followed; and he flattered himself that it would be successful; nay, more, he had confidence that it would, and every day that passed convinced him that they had chosen the right course, and that the evil complained of was weakening. And, though he did not think Mr. O'Connell was yet quite prepared to give up the course he was engaged in, yet he really believed that he would hail interference on the part of the Government. If anything should happen to render it necessary, he hoped that Parliament and the country would give the Government increased means and powers, should they be required, the more readily because of their refusal to ask for them till the last moment. The noble Lord, in conclusion, paid a handsome compliment to the manner in which the Irish Protestants had conducted themselves during the recent proceedings in Ireland, and observed that the Government would be ungrateful indeed, if they did not acknowledge that it was mainly attributable to their demeanour that the whole of Ireland was not now in a flame.

The Marquess of *Downshire* expressed the great satisfaction he derived from the statement he had just heard from the noble Lord the President of the Council—a statement which he was confident would be productive of feelings of the highest satisfaction amongst the Protestants of Ireland. He had received a letter from a magistrate of the county of Down, which was confirmatory of all that had been said by his noble Friend the President of the Council. The writer stated:—

"The 12th has passed off more peaceably than the 1st, and the people have behaved as well as their best friends could wish."

Such had been the conduct of the whole body of the Protestants of Ireland; and he rejoiced in the terms of approbation in which they had been spoken of in the course of the present debate; and if there was any reward that could prove acceptable, next to the approval of his own conscience, it would be that expressed approbation. He trusted that it would also have a salutary effect on their opponents, showing them that if they respected the law, and obeyed the advice of their true friends, they also would obtain the same reward in the commendation and praise of her Majesty's Government, and of all really patriotic men. He had within the last few days been present at the meeting of the Agricultural Society of Derby; and, as much had been said about the poverty of Ireland, he could not but wish that, instead of turning their attention to repeal agitation, the people would look to the improvement and cultivation of the land of their birth. He had himself done his duty in promoting the industrious habits of the population, and thereby advancing their real interests. He felt such to be his duty, for he had seen the benefits thereby conferred. In that course he trusted to be permitted to persevere, and he earnestly hoped that he and others so disposed would meet with aid from the people themselves and those who possessed much influence to such an end. He did sincerely trust that the Roman Catholic clergy, leaving the turmoil of party strife to others, would join, heart and hand, in efforts that must promote the welfare of the people. With regard to the present motion, he must observe that it would be impossible for the Gentlemen who had been dismissed from the commission of the peace to interfere or read the riot act in assemblies which they themselves had been instrumental in inciting.

The Earl of *Charleville* said, he should



be very sorry if it could have been supposed that it was from any discourtesy, or any purpose of annoyance, that he had cheered and smiled at a certain portion of the speech of the noble Earl, lately Lord Lieutenant of Ireland (Earl Fortescue). That smile had only been caused by what he could not help considering the noble Lord's exaggerated description of a bill introduced into the other House of Parliament. The noble Earl had stated, that that Arms' Bill contained clauses of a most despotic character, and much more stringent than those contained in any former act. He could not but recollect that, in days not very far distant, a measure had been introduced and carried, which contained clauses more deserving the epithet "despotic"—a measure allowing a magistrate to break into houses in search of arms. It was an act which deprived the Irish people of the trial by jury, and prevented them from assembling, even for the purpose of petitioning Parliament, without the previous permission of the Lord Lieutenant. Nay, further, it empowered any person holding a warrant from a magistrate to break open houses and search for arms—and in place of the offender being tried by a jury of his countrymen, as was proposed by the present arms bill, that measure which had received the sanction and approval of the noble Marquess who had introduced the motion, and of the noble Earl who had lately held the office of Lord Lieutenant of Ireland, subjected him to trial by court-martial; and, therefore, he was surprised that that noble Earl had alluded to the Arms Bill, now in another place, in the terms which he had used. But the noble Marquess had astonished him in selecting the ground which he had chosen, as the ground for a vote of censure on the present administration. He could not agree with his noble Friend who spoke from that side, that those dismissals were either "unjust or unconstitutional," though he admitted that it was a ground which that noble Earl was entitled to take. But he was surprised that the noble Marquess should have been seized with that new-born zeal—he who, in 1832, allowed Sir R. Nagle and Colonel Pierce Butler to be dismissed for attending anti-tithe meetings, without making any complaint, or moving, as he had in this instance moved, a vote of censure on the Government; and he did think that gentlemen who attended meetings of such a character were not entitled to

be retained in the commission of the peace. That the agitation which existed in Ireland had reached a very fearful height, no man could doubt. All loyal, peaceable, and well-disposed persons were terrified by those large assemblages. The numbers might have been exaggerated, but still it was manifest that the people did assemble in very great numbers, and under such control by their leaders, that it could not be doubted that they were ready to perpetrate anything to which they should, by those leaders be urged. He felt that the Government was entitled, to a certain extent, to thanks for the precautions they had taken—but it was too much to expect that the loyal and devoted subjects of the Queen should be exposed to the losses and system of terrorism now prevailing—and to many other inconveniences, without the law being put into force and some measure being adopted to prevent the continuance of such evils. As to the legality or illegality of the various meetings alluded to he would not venture an opinion in the presence of other more competent judges—and, perhaps, variety of opinion may exist. But when it was remembered that the people assembled on the Sabbath day, a day dedicated to devotional purposes, by those differing from the great body of those so assembled in religious belief, it was not impossible that those so engaged in religious duties might be seized in a body before any assistance could reach them. That did alarm—that did cause great terror. It did appear extraordinary, if the law held forth no remedy for those things in Ireland, since then it differed so materially from the law in England—he must ask, in great humility, if noble Lords and others were exposed to such alarms and dangers in their own counties, was it likely that they would rest submissive, and contented, as the loyal people of Ireland had done? He extremely regretted that his noble Friend, the Lord President of the Council, had held out no hope that the law would be exercised with vigour, and that a stop would be put to such dangerous proceedings. He deprecated coercion, and coercion acts—he believed them to be unnecessary. But when their Lordships recollected the talent, standing, ability, and learning of the individual who headed the agitation in Ireland—when they remembered that he had been constantly instilling into the minds of the people that those meetings were legal, he thought it was the duty of the Government to take some steps

to inform the loyally-disposed people of all religions whether those meetings were legal or not, because his own conviction was, that a very great majority of the people of Ireland were still well and loyally disposed. He believed that at those meetings many were induced to attend from fear, others attended from curiosity—some were compelled to attend by spiritual advice from the Roman Catholic altars, and a very small portion of those who attended were wickedly disposed. If the Government had in the first instance fairly and firmly met the difficulty in the face, and courageously allowed the magistrates to warn the people against attending those meetings he solemnly and seriously believed that Mr. O'Connell's objects would have been more defeated than even by the forbearing policy which his noble Friend the President of the Council had boasted was likely to defeat him. He believed that by such a course those objects would have been defeated without that injury which he regretted to say was inflicted on the country by the paralysation of labour, and the excitement in the minds of the people, inducing them to believe that great revolutions were at hand—that property was about to be confiscated, distress removed, and those who now laboured under distress made the possessors of the soil. Such representations as those had prevented the poor people coming over, as they had been accustomed to do, to attend to the harvest in England. Also, in the west of Ireland, where the first potato crop had failed, the poor people were by these representations prevented resowing the land—all which causes greatly tended to increase the difficulties under which the people constantly laboured, and the poverty which all must deplore. In the autumn of last year, and many times since, he had received numerous communications from all parts of the country, and from persons of all religious persuasions, and he would now read to their Lordships a short extract from a letter which he had received from a Roman Catholic priest, who, he believed, was coerced to go with the crowd, and obliged to subscribe to the Repeal fund and the tribute. The extract was this:—

“Attempts will be made to damage me with my people, and to sever the ties that bind me and them together. Is not this too bad? I look upon Repeal agitation as a regular humbug. I think it is a pity to see persons wasting their time, and money, and energies in so hopeless a project. I believe

they could be far better engaged on Sundays than in attending political meetings, the chief result of which is to disturb the peace of society. These are my convictions, and they seem to me well founded; but then it appears, from the temper of the times and the colossal proportions which Repeal agitation is assuming, that I, and all sober-minded men of my order, must take one or other horn of a dilemma—either abandon your convictions and go with the crowd, or resign the government of your people. Was there ever anything so provoking? I am disposed to live in peace with all my neighbours—to avoid useless political turmoil—to do all I can for the temporal and spiritual welfare of my flock; and this I am not allowed to do. I must become an agitator, I must collect the tribute, I must attend public meetings and dinners. I have taken the liberty of throwing out my thoughts to you quite candidly; and they are the thoughts and sentiments of many of my order, who, to save their own interests, give no utterance to them, but prefer going with the current.”

Before the repeal agitation began, they were beginning to know something of social peace in Ireland. Irish Members who had been too long separated and kept in violent opposition to each other upon that all-engrossing topic of Roman Catholic emancipation, were beginning to be drawn closer together—to meet upon common ground, to discuss Irish subjects and Irish interests—to commence, in fact the formation of an Irish party, not in an invidious or obnoxious sense, but a party acting together in the consideration of Irish subjects, and in support of those measures which they thought would be beneficial to the general interests of their country. He alluded to no political subject, but to matters involving the general interests of the community, such as the construction of railways, the developing of natural resources, and making provision for the destitute poor—on which subject it was felt by the Irish people, however willing to endure a tax for the relief of the really destitute, that an English Poor-law, with all its expensive machinery, and however well intended by English Members, was imposed on a principle based too much on analogies, founded on the experience of the law in England, and in ignorance of the real circumstances and feelings of Ireland. He believed that the present agitation had been much encouraged by no salutary warning having been given by the Government, to enable the people to rally round the well-disposed, and make head and front against the democratic



movement in Ireland. His noble Friend the President of the Council had stated that it was the duty of the Government to dismiss all the magistrates that had been dismissed for attending certain meetings; but he had not explained why some had been dismissed and others had been retained. Nor had he shown what essential difference there was in the case of one magistrate, who for attending a public dinner was dismissed, while seven others who had committed a similar offence, if offence it were, had been retained in the commission of the peace. That was a circumstance which he thought required explanation—and he trusted before the debate was closed, some noble Lord connected with the Government would show the cause of that exemption. He would say, however, that so far from thinking with the noble Lord behind him (Lord Wicklow) that the conduct of the Government was a sign of their weakness, it rather showed a confidence in their own strength, and he did trust, that notwithstanding the declaration of the noble President of the Council, that noble Lord would be induced to reconsider the question, and that some steps would be taken to prevent the multitudinous assemblages of the people being any longer convened. I have heard (said the noble Earl) with extreme pleasure the just encomium passed upon the conduct of the Protestants of Ireland, those who at all times, and under all circumstances, and all trials, have proved themselves the true, the constant, and determined friends of British connexion. I believe that, now that the intercourse between both countries has become easy and expeditious—now that opportunities and facilities are afforded for visiting Ireland, those who had formed a very unjust opinion as to the character of the Irish Protestants and Irish landlords, would by personal intercourse and acquaintance have had their prejudices removed and their minds disabused, were it not that the unsettled state of matters in that country, has unfortunately for the present deterred English gentlemen from visiting our shores. But great credit has been taken by the managers of those vast assemblages for the preservation of the peace. I say if the peace has not been broken, if those great meetings have been allowed to separate without any collision, the credit is not entirely due to those who governed the people, but was mainly attributable to the forbearance of the Protestants, who, though

taunted and insulted, abstained from opposition, awaiting that aid being given them—the only aid they ever want, the firm and constitutional exercise of the laws of their country.

The Marquess of Lansdowne said, that at the time the noble Earl rose, he was about, conceiving the debate was coming to a close, to address a few words to their Lordships, not for the purpose of entering into that variety of important topics which had been imperfectly glanced at in the course of this debate, but which too frequent opportunities would arise hereafter for their Lordships again and again to consider, but simply for the purpose of distinctly explaining the grounds and the extent of the vote with which he was about to conclude; because that vote was connected with, too, important past transactions, and might be connected with, too, important future transactions, for him not to feel an anxiety that it should be distinctly understood. He was the more anxious to explain, because had he come into the House after the speech of his noble Friend (the Marquess of Clanricarde) and had not heard that speech, and had not heard the motion with which he concluded, but had only heard the speech of the noble Duke, and some of those who immediately followed the noble Duke on the other side of the House, he should have conceived that the motion made by his noble Friend was a motion asserting the legality of the meetings that had taken place in Ireland, and censuring the removal of the magistrates for having attended those meetings. Had that been the purport of the motion of his noble Friend he would distinctly say it would have been a motion he could not have supported. He would ask their Lordships, however, to refer to the terms of the motion itself, and say whether those two conclusions were not distinctly excluded by those terms; whether the motion was not strictly confined to that point upon which he had no hesitation in giving his opinion, namely, that assuming that these meetings were illegal—that assuming that it was fitting that no magistrate should be allowed to remain in the commission of the peace that attended these meetings, yet that the mode taken to proclaim to the magistrates of Ireland that they were no longer to attend those meetings, was one neither just towards them, nor salutary to Ireland—because it was made to rest upon an unconstitutional ground. One would

have supposed, from the speech of the noble Duke, that it had been made to rest upon certain circumstances of force and violence—for those were the terms employed by the noble Duke—upon circumstances of force and violence, which at any one particular period had marked the progress of these meetings. Had it been so—had that declaration been made—had her Majesty's Government, upon their own responsibility, stated to Parliament that that was the state of these meetings—had it been a subject of a message from the Crown—had it been the subject of a formal despatch and communication to the Irish Government, he would say, that then a distinct, advantageous, and constitutional warning, would have been given to all Ireland of the state into which those meetings were bringing the country, and the condition to which any loyal subject was exposing himself by becoming a party of them. But did he find in the argument employed by the noble Duke one word of these allegations of force and violence, which now, for the first time, was said to have characterised these meetings—did he find one word of this in the letters which were the subject of his noble Friend's motion to-night—letters which were so justly, fairly, and truly described by his noble Friend in his resolution, that the noble Duke almost felt, for the moment, an embarrassment of giving the resolution a direct negative, when he proposed reading the letter a second time this day six months. [The Duke of Wellington: That was a mistake.] He was perfectly aware that the noble Duke had no intention to propose any irregular course; all he meant to say, was, that perhaps there was something passing in the mind of the noble Duke as to the nature of the motion, which led him to make that mistake. But what was the fact? The Lord Chancellor of Ireland affirmed that up to the time when the speeches were made in Parliament by the Minister of the Crown—observe, that up to that time he had never intended to interfere with the attendance of magistrates at these meetings, but that having read, that in Parliament it had been stated by her Majesty's Ministers that they meant, what was called and described in somewhat vague terms, to maintain the Union, he thought it his duty to take those steps which were now the subject of complaint. Now, he would say that that was no constitutional ground for the Lord Chancellor to take. The last

thing that the magistrates of this country—the last thing that the loyal subjects of this country ought to be invited to attend to, or to make the rule of their conduct, was what passed in debate in Parliament. They might attend, and ought to attend, to the declarations of the Crown—to a message from the Crown to Parliament—to the instructions which they received, if in a local government, from the Government at the Home Office; and those instructions if they had been sent, as they ought to have been sent, and subsequently laid before Parliament, would have afforded that plain, distinct, solid, and intelligible ground which would have told every man what he was expected to do, and what he was expected not to do, in the performance of a public duty. And when he recognised, in common with all their Lordships, the importance of the line taken upon this occasion—and when he considered the consequences it might have hereafter upon the fate and conduct of affairs in Ireland, he thought it no immaterial circumstance that a line so taken, with a view to the preservation of the public peace, should have been taken up not only advisedly, not only deliberately, but should have been carefully placed upon a solid and intelligible ground. As to the declaration made in Parliament, by the minister, of the intention of the Government to preserve the Union—was there anything new in that declaration? Why, the noble Duke himself had told their Lordships, and had told them truly, that ten years ago a declaration was made to that effect, and which he would say was not less solemn—nay, it was more solemn than the declaration of Sir Robert Peel, because it was accompanied by a formal vote of an address and declaration to the Crown. Therefore, it was the most solemn statement with regard to a determination to maintain the Union that had ever yet emanated from the Government or the Parliament of this country. And yet, for ten years afterwards meeting after meeting had been held for the purpose of advocating the repeal of the Union, without its ever having occurred to anybody, above all, to the Lord Chancellor Sugden himself, that that formed a ground for the dismissal of magistrates who might have taken a part at these meetings. If the meetings had assumed a new character; if they had involved circumstances threatening the peace of the country, which peace the noble Duke and his Colleagues were bound to preserve



—then those circumstances were fit to have been stated and proclaimed to the public, and made the ostensible, as he had no doubt they were, the real grounds of the proceedings the Ministers had adopted. It was obvious, without pronouncing any opinion upon the legality of these meetings that the whole question must resolve itself into one of three or four points, no one of which was involved in that debate, or rather, that conversation—for it was nothing more—which arose within the walls of the two Houses of Parliament, when the speeches in question were made. It might be that some persons might maintain—he certainly was not of that opinion—that it was unlawful to petition Parliament at all to Repeal the Union. It might be held by others that it was unlawful to meet to advocate a repeal; while it might be held by some to be legal both to petition and to meet to petition for a Repeal. Others, again, might consider that the assembling in great numbers for that purpose was unlawful; while it might be held by some, that if persons assembled under circumstances indicating an intention to use force, or if they indulged in accustomed and repeated utterance of seditious language, that would make the meeting unlawful. It was hinted at by the noble Duke himself, and he thought the noble might have dwelt more forcibly upon the point, for it constituted in his opinion the whole strength of the Government case, that these meetings being ostensibly held to petition Parliament, resolved themselves into meetings not petitioning Parliament, and therefore in themselves creating an obvious and important distinction in a way in which the Government and Parliament might be justified in adopting measures against them. But all these proceedings, without the grounds being stated, without being explained, without being defined, were to be allowed to resolve into a discussion or conversation in this and the other House of Parliament, and without any one allegation connected with the circumstances to which he had alluded being advanced to justify the course the Government had pursued. This he would say was calculated to mislead the public of Ireland with regard to the cause of the proceedings of the Government, and to deprive those respectable magistrates, to many of whose characters they had had ample testimony borne that night, of an opportunity of considering whether, when her Majesty's Government had given those

instructions to the Lord Chancellor of Ireland which they ought to have given, and had stated the grounds for giving them, they (the magistrates) would persevere in giving their attendance, support, and countenance to those Repeal meetings. It was but a few years ago that a most important measure was passed, which it would be almost an act of madness to think of repealing; he meant the Roman Catholic Emancipation Act. When there were meetings held and petitions voted for the purpose of procuring the repeal of that act, what would have been said, supposing Lord Plunket, who was Lord Chancellor of Ireland at that time, Lord John Russell having had occasion to say in the House of Commons that he would maintain the Catholic Emancipation Act, and would always advise her Majesty, under all circumstances, to maintain it, and even if Sir Robert Peel, sitting on the Opposition Bench, stated his concurrence in that opinion, what would have been said, supposing Lord Plunket had declared that the statement of Lord John Russell, so supported by Sir Robert Peel, made in a passing debate in the House of Commons, furnished a constitutional ground for him to dismiss any magistrate from the commission of the peace, who had taken part in promoting, or endeavouring to procure the repeal of that act? Why, if Lord Plunket had taken so absurd and wild a step, he would have been denounced in both Houses of Parliament as pursuing the most unconstitutional line of conduct that was ever taken up by any Chancellor. It was the worst course of proceeding that ever was adopted, because it was the most unintelligible, the most indistinct, and the least defined ground that could have been taken to have influenced the determination of the Lord Chancellor. With that feeling he could not refuse to express his concurrence in the motion of his noble Friend, so far as it went to censure the ground upon which the Irish magistrates had been dismissed. Having said thus much, he did not feel disposed to enter into those topics which had not unnaturally, not irregularly, but not necessarily connected themselves with this night's debate. He had heard with great satisfaction some parts of the speech of the noble Duke, he had heard from the noble Duke with great pleasure, first, that which he was sure the noble Duke would have felt it his duty to say—namely, that he felt it to be the first act of the Government to maintain security of

life and property. He had heard with further satisfaction, coming from such an authority, that he conceived he had taken steps to maintain the security of life and property in Ireland, and that he was prepared for any emergency that might arise that would put life and property in jeopardy. That was a most satisfactory declaration to their Lordships and to the country. He hoped that all vigilance had been used, and would continue to be exercised. He had, indeed, hoped, conceiving it to be the first duty of the Government to preserve life and property, that in another part of this kingdom, where circumstances had, for some months past, endangered property at the least, the same degree of vigilance would have been exercised. In that part of the country to which he alluded, property of a particular species had been exposed to greater danger for some months past than it had been immediately exposed to in Ireland itself. He lamented that the spirit of insubordination in some parts of Wales had continued so long unchecked and unpunished. But he trusted that there also effective and decisive measures had been taken for protecting that particular species of property which was aimed at, and which there, as in Ireland, if attacked with success, would inevitably lead to attacks upon every other species of property, and endanger every other species of security. He had also heard, with feelings of great satisfaction, from the noble Duke and from the noble President of the Council, that it was the intention of her Majesty's Government to use with vigour the powers of the law of which they were now possessed, without having recourse, unless required by the most stern necessity—and unless they were enabled to make out the strongest case—without having recourse to Parliament for additional assistance and increased powers. He thanked her Majesty's Ministers for that forbearance, and he could assure them that that forbearance would be recollected, if they should, unhappily, come to that extreme point in which it would be their duty to call upon Parliament for increased means of preserving the lives and property of her Majesty's loyal subjects. The noble Duke had stated, and he thought stated truly, that it was impossible that any one remedy could be adopted by the Government, whether suggested in Parliament or out of doors, for effectually putting down that species of agitation which he (the Marquess of Lansdowne) agreed with the noble

Duke was the immediate evil which hung over the fortunes, cramped the industry, and struck at the happiness of society in that country. But while he alluded to Ireland as being in that state, he did not conceive, because no immediate remedy could be found for such a condition of things, that that was a circumstance which operated as any justification, either of her Majesty's Government or Parliament, in abstaining from diligently and attentively considering the causes in which that state of things originated. Those causes he would not enter into now. They were causes which might for the most part be found in the history of the past events of that country. They were such, he was aware, as could not be removed by a blow, or be put an end to at once by any single act of interference either of the executive or the Legislative authority. Did not all this prove how deep those causes lay, how extensive they were, and how imperious was the necessity for her Majesty's Government—if it were not possible to do so by rapid steps, at least by slow yet determined means—to remove those causes? By some singular combination of events, one man in Ireland is endowed with the power of moving thousands and hundreds of thousands to a movement to put tenantry at war with landlords, the upper classes at war with the lower, and to disjoint the whole organization of society at large.

“ Can such things be,  
And overcome us like a summer's cloud,  
Without our special wonder ? ”

Are other states so affected? Are other kingdoms so convulsed? Are there other instances found of individuals, without any assistance from fortune or authority, but by force of circumstances, drawn out of the state of society itself, enabled to wield a power so great that it is declared by the Government itself to be formidable? I cannot look at this, continued the noble Marquess, and not see that no Government will do their duty in this country, which does not weigh well these causes, and come down to Parliament—I will not say immediately and at once, but from time to time—with such propositions and such a course of measures, maintaining all the while the authority of the law, refusing to concede what is unjustly demanded, but endeavouring, by Legislative means, to remove what lies at the bottom of this state of things, and provide for a more hopeful, more secure, and more happy



condition. It was therefore I heard with pleasure the speech of a noble Friend of mine who sits opposite, who, in a spirit of candour which does him honour, stated that he thought the time was come when it was necessary for all men to reconsider their opinions, as connected with Ireland. In that sentiment I most heartily join with him. I ask for nothing out of reason. I call upon her Majesty's Government from time to time to reconsider their opinions on this subject. I call upon them to maintain the law, and to maintain order; but when they have maintained law and order, not to think that they have done all, but to recollect that there remains behind a still more important duty than even the executive routine of Government; that there remains the duty of going before rather than of following public opinion, and of submitting boldly, openly, and honestly to this and the other House of Parliament, the views they entertain as to what ought to be the course of policy towards Ireland for the future. And if they do so manfully state to Parliament their intentions, whether they adhere to or abandon any opinions they may have formerly expressed, they will be entitled—for myself, I speak with sincerity, and I think I can answer for many others to support and assistance—as far as that assistance can be useful to them—in effecting those measures for the benefit of the country, which are admitted on all hands to be rendered necessary by that state of things which is a disgrace to a government which presides over it, and to the society which suffers by it.

The Duke of *Wellington* in explanation said, he thought he had clearly expressed that it was the almost unanimous opinion of both Houses of Parliament, that the legislative union ought to be maintained—that it was notorious that such was the unanimous opinion of both Houses and of the Government. He had concluded, therefore, that those who continued to excite, and preside over, and harangue these meetings intended to force their measures by terror and violence, and he had stated that under these circumstances the Government could not depend upon those magistrates, and they were dismissed because the Government could not place dependence upon them. His noble Friend the President of the Council had positively stated that the magistrates were dismissed because the Government could not place reliance upon them.

Lord *Brougham* said, he was now called on, as their Lordships were, by the proposition of his noble Friend, to do neither more nor less than to pronounce by his vote, and as far as his vote could go to aid their Lordships in declaring, by a solemn resolution, that the first law officer of the Crown in Ireland, the keeper of the Great Seal, the head of the magistracy, and the first judge in Ireland, had been guilty in his mixed capacity, Ministerial, magisterial, and judicial, of an act unconstitutional and unjust. Before he could come to that conclusion or recommend to their Lordships to come to such a conclusion, he thought he was not stating the case too strongly when he said, that he must see his way clearly, and have undoubted proofs that the charge was fully made out. He would not for some chance expression in a letter declare a judge liable to censure, and deserving of impeachment. For, my Lords (continued the noble and learned Lord) you cannot stop here; if the Lord Chancellor of Ireland have done an act not merely inexpedient (I care little for that), but unconstitutional and unjust, if he have abused the great powers intrusted to his hands, if he have exercised the most delicate of all these powers, the appointment or removal of magistrates, in a manner unconstitutional and unjust, and if the Lords in Parliament assembled should declare that he has so acted, and should pronounce upon him the gravest censure ever pronounced on any Chancellor, any judge, any Minister, in the history of Parliament (short of an actual impeachment for corruption), then, my Lords, I say, it follows that there should be an immediate address for his removal from the office and the power which it shall thus have been declared he has so grossly abused. And if we stopped short of that I know not if the other House of Parliament would not find it necessary to proceed with the impeachment of that high officer. My Lords, are you prepared for all this, merely because, in a letter, I admit, of course, to be his, he has given for a good act a bad reason? For I hear no objections taken to his act by any party among those who have borne a part in this debate; and the noble Marquess (Marquess of Lansdowne) so narrowed the question—to such small dimensions—such (I had nearly said) infinitesimal dimensions—such an evanescent and insignificant magnitude, that it amounts to no

more than this—that he does not assert these meetings to be legal; that any one had a right to attend them, still less gentlemen holding the Queen's commission.

“I am not called upon (said the noble Marquess) to deny that these meetings were illegal in themselves, or that it was a gross breach of duty in the magistrates attending them; or that it was highly improper that gentlemen should be permitted to hold the royal commission, after having attended meetings of such a character; but all that I am called upon to aver in support of the motion is, that a wrong reason has been given for doing that which in itself, and if grounded on another reason, would have been perfectly justifiable and utterly unassailable.”

That is the narrow and the insignificant ground on which the noble Marquess is prepared to adopt so severe a censure on the Lord Chancellor of Ireland. Now, I am at issue with the noble Marquess, even on the question taken precisely as he has stated it. I assume that he had to do with nothing else but that narrow view of the question, and I meet him upon that. I say, my Lords, that the Lord Chancellor of Ireland did not dismiss the magistrates of Ireland on the ground that a declaration had been made in both Houses of Parliament. And if any one reads with candour and fairness the Chancellor's letter, he will see that it will not bear that construction. I am sorry, my Lords, to trouble you, but this is a question of great importance to the learned, eminent, and distinguished personage concerned; and your Lordships are almost indeed sitting judicially.

“Her Majesty's Government having recently declared in both Houses of Parliament their fixed determination to maintain the Union, it becomes the duty of the Members of the Government to support that declaration.”

Now, first I step aside for a moment to dispose of the objection taken as to its being a breach of privilege for a Chancellor to make any allusion, or for any person at all not in Parliament to refer to what has passed in the Legislature. My Lords, the Chancellor does not say, that he heard of it from common reports. He says he knew it; and why might he not have known it from the communication of his colleagues, who certainly had as much right to give as he had to receive such intimations? I put that point therefore quite out of the question. Then, what does this amount to? Simply to a statement that circumstances had occurred,

and another argument was found very ably on this by my noble Friend, the noble Duke; but I am now on the strict technical objection,—and I ask, what was this but saying, before the last declaration of Government there was every reason why magistrates should not attend these meetings? Before that last declaration, the determination of the Government to support the Union had been well known; but now comes, on the very eve of these proceedings—on the very eve of these meetings about to be presided over by Lord Ffrench—on the eve of this comes the declaration in both Houses by the Queen's Government of their firm, fixed, and unalterable determination to support the Legislative Union; and this the Chancellor states, not as the ground of dismissal, but as an additional ground, there being ground enough already before this added aggravation of the misconduct of the magistrates; for the noble Marquess (Marquess of Clanricarde) is not correct in stating in his resolutions, that it had been said by the Chancellor, that, previous to this last communication of Government in both Houses of Parliament, there was no ground for the dismissal of the magistrates. One of his resolutions states it, and this is one reason for not supporting them,—that they are thus inconsistent with facts. It is not stated, as he alleges it to be in the Chancellor's letter. The Chancellor says no such thing. The Chancellor says,

“It had been his earnest desire not to interfere with the expression of opinion in Ireland by any magistrate in favour of Repeal.”

He does not say he had no right to interfere, that he was not entitled to do so;

“Although, from his avowal, he had deemed it inconsistent with the determination of the Government to uphold the Union to appoint as magistrates persons pledged to Repeal.”

Now, my Lords, has the Chancellor's letter been fairly dealt with? Would not any one who had heard the speech of my friend the noble Earl and the noble Marquess who last spoke—would not any one who read these resolutions suppose, that within the four corners of the letter there is no other reason presented—no other topic dwelt upon—nothing in the conduct of the magistracy, except with reference to the declarations of the Ministers?



I will now read a passage from the letter, which, in connexion with what my noble Friends have been representing, is calculated, indeed, to excite "our special wonder."

"The allegation that the Repeal meetings are not illegal does not diminish their inevitable tendency to outrage; and considering the question in all its bearings, the Chancellor cannot believe that such meetings are in the spirit of the constitution as they become dangerous to the safety of the state."

Why, what was the use of this if the declarations of the Ministry in Parliament were inefficient? And my noble Friend's narrow way of putting the question shows this, for he declares it would not matter to his view of the question whether the meetings were legal or not.—

"It is necessary, therefore, continues the Chancellor, that the Government should be able to place firm reliance on the watchfulness and determination of the magistracy to preserve the public peace."

Nothing of the declaration of the Ministers.

"A magistrate who presides over and forms part of such a meeting can neither be prepared to repress violence nor be expected to act against a body for whose conduct he would himself be responsible; and to such a person the preservation of the public peace cannot safely be confided—while the determination to preside over such a meeting after the declaration in Parliament"—(here now is matter of aggravation, not of substantial accusation)—"shows that the time has arrived for depriving those of power who thus would apply it to dissolve the Union."

Now, my Lords, I consider my constitutional views on these subjects of constitutional law and rights as high almost as those of any of my noble Friends, and I have no hesitation in saying I consider this as a constitutional view of the relation subsisting between the magistracy and the Government. The magistrate has other capacities than his judicial, in which he ought to act. He is part of the Executive Government of the country. He represents the Executive, and it is fit and proper that in all great crises like the present, in which the safety of the empire may be jeopardized, there should be a full and entire understanding between the Executive and the magistrates employed by the Government. And, my Lords, I will not permit it to be said that this was to be likened to the case of a common paltry party question—or a petty factious

dispute or division on some minor affair. I will not suffer it to be said (without contradicting it to the best of my ability) that the present state of Ireland, and the present division between the Government and the magistrates have any, the remotest resemblance to such cases as those referred to by my noble Friends. And if I am asked whether I would turn out a magistrate merely because he differed from a Minister in politics?—no such thing! I reply, on no account should the holder of the great seal be influenced by any such ideas! But, my Lords, when the fate of the empire depends on the view taken of a particular question—when agitation is prevailing to an extent so frightful that those who are least harshly disposed towards the agitators confess themselves alarmed by its progress—when the gigantic strides making by popular violence to all but the assuming of Government over even the loyal subjects of the Crown—then, my Lords, in such a state of things, those intrusted with the Government would shamefully neglect their duty, if they did not take care that the powers of the magistracy should be committed to none who were capable of abetting such disorders. My Lords, we need only consider the state in which Ireland was. I will not inquire into the numbers attending these meetings: 600,000 or 700,000 cannot, of course, meet for the purposes of discussion. It must be for force and intimidation. It must be dangerous to the public peace. I know those, at all events, my Lords, who would have no right to deny this,—those who boast from day to day that these meetings are so numerously attended. I can hardly stop to say I entirely disbelieve their statements. I will not describe how ridiculous these exaggerations are—the grossest even of those which have proceeded from the same quarter. I barely wait to remind your Lordships that 600,000 or 700,000 (if the place could be found to contain them) would amount to one-fourth of the whole male population. Without observing, however, on the supreme ridiculousness of the thing, it is enough to remark that of meetings attended by 100,000, nay 60,000, or 40,000 men, discussion cannot be the object—that terror, and terror, alone can be the object of those who attend them; that they must be dangerous to the public peace; and that as such they are not legal. There

was high authority for this doctrine during the debate on the Manchester massacre, when it was admitted by the Opposition that such meetings would be an abuse of the right of petitioning, and would require the most watchful care. Such were the opinions of Lord Erskine—such the opinions of Earl Grey. My Friend the noble Marquess did not then express his sentiments, [the Marquess of *Lansdowne* — “but entirely agreed.”] — but entirely agreed, and, indeed, has expressed to-night substantially the same opinion. Would that the noble and venerable Earl himself (Earl Grey) were here, to enlighten us by his wisdom, to charm us by his eloquence, and support us by his manly courage, amidst the difficulties in which we are placed. That noble Earl, though firm in opposing the Government on the occasion, expressed in strong terms his disapprobation of bodies of men marching in military array, and (with Lord Erskine) characterized them as perilous, and liable to the greatest abuse, and threatening the public peace with the utmost danger; requiring, therefore, the strictest vigilance and the most constant care. Supposing now, my Lords, those noble Lords had been asked what they would think of magistrates, whose province it was to be perpetually vigilant and careful, who ought to be peculiarly observant of all that tended to preserve the peace,—what would be thought of magistrates attending such meetings? Nay, what of their actually presiding? My Lords, I think I see Lord Erskine’s eye lit up with fire at the bare supposition of the truth of [which I am sure he would at first have been quite incredulous; and the indignant reply would have been, that such men were utterly unworthy to remain an instant longer in the commission of the peace. References have been made to the Manchester meeting; and although my noble Friend who spoke last has not given an opinion as to the legality or the illegality of that meeting, I may be allowed to say, that in acting so he has only shown his prudence. But my noble Friend must have misunderstood the noble Lord who opened the debate, because I distinctly understood him to say that these meetings in Ireland were legal because the Lord Chancellor did not say they were illegal. It was my intention to have argued this point; but as it was not insisted upon by any of the noble Lords

who have preceded, except the noble mover, I will not go into it further than to say, I have never given any opinion as to the legality or the illegality of these meetings. It would be a very rash and fruitless thing to do, without having the whole of the circumstances, the very minutest circumstance connected with any meeting before one, because the slightest variation might make the greatest difference in the world, viz.,—the difference between their legality and illegality. However, in the present case I am not under the necessity of giving an opinion one way or another. I will not go the length of saying whether mere numbers make a meeting illegal. I am not called upon to say, but it is well known that numbers make a very great ingredient in illegality. But, my Lords, I am not called upon to stop to discuss that point. One word more as to the system of agitation, and the great meetings, and the course pursued by some individuals. It is a singular thing, my Lords, that not only are enormous crowds collected, which, making every allowance for the grossness of the exaggeration which prevails upon the subject, we cannot deny are exceedingly numerous, still at those meetings another operation goes on, with which the whole system has an intimate connexion—I allude, my Lords, to the financial part of the system. My Lords, there is a constant levying of money at all those meetings; but still, as I allow for exaggerated numbers, I am also disposed to abate in the sums stated to be collected, also, although I know some of your Lordships are not disposed to agree with me in that. I see my noble Friend opposite (Lord Glengall) thinks otherwise. Well, he believes and gives credit to the financial part of the statements; he believes that the sum of 3,000*l.* and upwards was collected in one week, and he calculates the future at 6,000*l.* [*No.*] Well, I will confine myself to 3,000*l.* collected in one week. I cannot think that they are going on collecting at the rate of 150,000*l.* a year, but at all events they are collecting very considerable sums of money. Now, my Lords, one naturally asks what is all this money collected for? They are large enough to excite watchfulness — they are of such magnitude as to call for the vigilant attention of her Majesty’s Government, because if people go on collecting large sums of money and you see no grand object in



view, the question arises how is this money to be spent?—one must feel that it will be spent in the way it ought not to be; but, my Lords, my difficulty is of another kind—it is strictly, nay absolutely, true that no account whatever is ever rendered of the application of the money. Now, my Lords, of the hundreds of thousands of the public institutions in this country which are supported by voluntary contribution, I will venture to say that among the whole there is not one solitary instance to be found in which a strict and accurate account is not given yearly, sometimes half-yearly, of the manner in which every shilling subscribed has been expended. Every shilling is honestly dealt with and accounted for to a subscriber, even to the amount of one shilling. Not so are our unfortunate fellow-subjects in Ireland dealt with. They, out of their small means, are prevailed upon to subscribe considerable sums—they part with the money, but not the shadow of a statement is even pretended to be given them as to the way in which the money has been expended. It may be, my Lords, that it is honestly and innocently expended. It is possible that it may be all laid out in advertisements, yet one cannot see exactly how thousands can be spent in that way. Agents must be employed, and no doubt they must be paid, but that cannot absorb thousands per week; yet, my Lords, another set of officers must be employed, viz., collectors, and I have no doubt that much of the money may be allowed to stick to their fingers, in order to stimulate and encourage them in the execution of their duty; but still, my Lords, the 3,000*l.* and upwards was paid in, and in one week—surely, then, some account of it ought to be given—the subscribers ought to be made aware, in some way, how it has been expended. In cannot be laid out in the purchase of arms; they are not wanted we are assured. Surely it cannot be used for the purposes of corruption;—it it cannot be, my Lords, to pay any debts, because the body, as a corporation, have none. Then, what becomes of the money is the question which constantly occurs, and as constantly remains unanswered. That is a circumstance which cannot tend to increase our confidence in the system of agitation pursued, or increase our feeling of security under the present system, and, above all, it cannot tend to increase our confidence in magistrates who become

parcel of a system that is marked by peculiarities such as those. I heartily rejoice, my Lords, that this question has been brought forward, because of the continual attack and insinuation indulged in at the conduct of the magistrate who took the step of dismissing magistrates so acting. I lament, however, that it was taken so late, because I lament that in consequence of the time the step was taken, a great many estimable and honourable men had tendered their resignation, and the country had lost their services. But even taking that into consideration, I do not hesitate in giving my approval to the step taken; I hold it not only justifiable, but praiseworthy. I will not enter into many details on the present occasion, for no doubt many opportunities will be afforded me and your Lordships for discussing them all, during the remainder of the Session. My Lords, I heartily rejoiced in the announcement made by her Majesty's Government of the course they have taken, and are determined to pursue. It is very easy, my Lords, to say to a Government, "Why don't you do something? you are doing nothing;" yet those persons never hint one word of what they would have done. Now, I will not call such conduct captious, it is frivolous. A noble Lord opposite said, "Why do you not come to Parliament for a bill? the case is very pressing—the system of agitation now going on, is hazardous and ought to be down—and you cannot do it too speedily and vigorously, and in order to put it down effectually, you must do it suddenly." And yet the noble Lord proposes to do it by a bill. Being called upon by the pressing exigencies of the times, the noble Lord calls upon you to present a bill containing so many clauses; why, it would be so many weeks before the other House of Parliament—it might, nay, it would, be six weeks in committee before the other House, and then be no nearer a law than now, for no doubt the same course would be adopted with it as is now taken in respect of the Arms Bill, which I see by the votes is progressing at a very slow pace. Then it is said to the Government—you have no vigour, you are a do-nothing Government—make way and let us have a more united, a more powerful—at least, a Government that will use its power, and stop these rebellious proceedings." Well, suppose that to be done; the Government are out, and you have an

Orange one. Why, what would be their strength? I do not believe they would divide twenty strong in the other House, and not ten in this. That is a particular remedy certainly, but is an impracticable one. To refer now, my Lords, to the conduct of the Orangemen on the 1st and 12th instant, I must say their merits were transcendent, having given up their accustomed processions in obedience to the law, while they saw their adversaries allowed to hold meetings to any extent, attended not by thousands, but by hundreds of thousands, with their bands of music, and in military array. Why, they actually boasted publicly of their discipline; to use an expression of their own, they were as well trained under their repeal wardens, as were her Majesty's troops under their sergeants. The Orangemen saw all this, while they were not allowed to hoist a single colour—still they, to their immortal honour, had remained quiet—and upon no former occasion had the Queen's peace been so perfectly preserved. I feel it necessary to guard myself against being supposed to differ from my noble Friend who last addressed your Lordships lest it be supposed I entertain a different opinion in respect to the state of Ireland, and what ought to be done, from my real opinion. I consider it is the duty of the Government and the Parliament not to wait for events; not to wait for the improvement of public opinion, but to outstrip it, and lead it into a better channel. I am happy to hear that there is to be no coercion; and I would advise that the Government ought not even to proclaim the meetings. Noble Lords must see to what that course would lead. They might commit the solecism, but they would get into this insuperable difficulty, from which they could not extricate themselves—they must indict, prosecute, but they must do more; they must disperse the meetings which were proclaimed, and woe be upon those who began the conflict. I know to whose bosom the first gun fired would bring hope, and joy, and comfort; it would put new fuel within his reach to again revive the now slumbering agitation. A proclamation, but, above all, the first march of troops to carry it into effect, while it would dispirit the loyal, and dishearten the wise, would bring comfort and joy and exultation to those whose heads are full of sordid interest—I will not dignify it even by the name of bad ambition

—whose whole soul is bent upon gratifying the meanest propensities of the human mind—avarice and vanity. What are the Government prepared to do, if not by coercion—if not by fresh powers from Parliament, what is it? I am most anxious to avoid all discussion on agitating points, but I have a duty to perform, which I cannot neglect. I need not say that I am anxious to uphold the Protestant Church in Ireland; it is essential that you do so; you cannot help protecting it, you cannot avoid keeping it up. However, I cannot without a feeling approaching to dismay, look at the sight which Ireland presents, the unexampled sight which the sects and the Church of Ireland presents to our view; 6,000,000 of Catholics, 2,000,000 of Protestants, at the very utmost, and one-half of them not belonging to the Established Church, but to various sects of Protestant Dissenters. I do not, my Lords, grudge the Establishment its endowments, and we cannot choose but uphold them for her. It might have been otherwise some 150 years ago, but you cannot help it now. Both politically and religiously she must be upheld; but still, my Lords, where is there a country in the world—but, above all, where is there a Christian country in the world, in which the vast majority of the inhabitants are utterly and hopelessly left unprovided with spiritual instruction by the State. Look at Austria, or Prussia, or Hanover, in every country any of your Lordships can name, the State provides religious instruction for every class of Dissenter as well as for the Established Church. My Lords, in those countries the Dissenters are only a small minority, yet they are provided for, but in Ireland the Church is the small minority, yet not one farthing is provided for the spiritual instruction of the vast majority. That, my Lords, is a state of things unprecedented in the whole world. My Lords, it is a state of things that cannot last for ever; then, why do not the Government and the Legislature direct their attention to this crying evil, and provide some means for the spiritual instruction of the Roman Catholics? Such a step must lead to this consequence—you will take them out of the hands of those who lead them only to mislead—who guide them only to misguide. We are told that the agitators say such an offer would be spurned; that the very idea of it would



be spurned. My Lords, a friend of mine, well known to your Lordships, had a conversation with a Roman Catholic prelate, which I will relate. My noble Friend said to that right rev. prelate, "Bishop, we are thinking of making a state provision for the Roman Catholic clergy, what do you suppose they will say to it?" The prelate replied, "Every man of them, from the highest to the lowest, will strenuously and by all means give to such a proposal the most decided opposition." "But," said my noble Friend, "suppose we carry it, what will then be done?" The prelate said, "Then every man, from the highest to the lowest, will instantly and gratefully receive it." In my opinion, propositions on this subject ought to be brought forward from time to time, and so, by directing public attention to it, prepare the public mind for a favourable reception of it. I am not the only person who has pressed this matter upon the serious consideration of the House, and I hope it will receive the attention to which it is so justly entitled. I have to apologize to your Lordships for having so long occupied your time; but I felt that I should not discharge the duty which I owed to the right hon. and learned Gentleman the Lord Chancellor of Ireland if I did not frankly and fully state the views which I took of this most important question.

Lord *Campbell* observed, that his noble and learned Friend had worked himself up into the belief that the act of the Irish Government was most laudable, and he praised not only the act itself but the manner and the ground of those dismissals to which the present motion referred. Now he would say, that the ground of the dismissals was unconstitutional, unjust, and inexpedient. If in a particular case a Lord Chancellor dismissed a magistrate for malversation in his office, for taking a bribe, or for committing any other offence of that nature, the Lord Chancellor acted in the capacity of a judge; but the present was a case of State policy. Did any one suppose that the Lord Chancellor of Ireland wrote the letters which it was well known he did write to Lord *Ffrench*, without the full concurrence of the Cabinet? Similar letters were issued again and again to other magistrates. He professed himself unable to discover any ground for dismissing a magistrate in the mere fact that he announced his intention of attending a meeting which might or

might not be legal, for no one could beforehand determine upon its legality. What had been the effect of the declaration of her Majesty's Government? What was considered lawful before that declaration was viewed as unlawful afterwards. (In corroboration of this the noble Lord proceeded to read the letters directed to be written by Sir E. Sugden to various magistrates who had attended Repeal meetings, and the replies of the magistracy.) He must venture to differ from his noble Friend with regard to his construction of the relation in which a magistrate stood to the Government. The magistrate stood in the position of a judge, and he utterly denied that a judge could be dismissed until he had committed an offence. [Lord *Brougham* (sitting on the Woolsack.) "You are wrong—wrong—quite wrong."] His noble and learned Friend need not interrupt him. His noble and learned Friend was out of the House whilst he was there. It was curious what a hankering the noble and learned Lord has after that seat. He's always wanting to be upon the Woolsack, and I suppose by-and-by he'll get the Government to put him there, and then we shall have him defending them with more zeal than ever. But (the noble Lord continued), although his noble Friend said he was wrong, he was well assured that he was right. If a magistrate incited to disorder or disaffection, then indeed he might be removed; but they were not to remove magistrates merely because they disliked their politics. Dismissal was intended as a punishment and disgrace, though, sometimes it was an honour and a great addition to a man's popularity. In this case he averred, that, unless there was some offence committed, the dismissals were unconstitutional. Now, what was the offence—the only offence alleged? It was that the dismissed magistrates attended certain meetings. Wherein was the illegality of those meetings? It was not in the numbers which attended them, because, if numbers constituted illegality, then the meeting at Epsom on the last Derby day was one of the most illegal assemblages ever held. But the illegality dwelt on by the Lord Chancellor consisted in this—that the meetings were attended after the declarations of her Majesty's Ministers in both Houses of Parliament. Now, what were those declarations? The noble Duke opposite appeared to represent them as

some constitutional proceeding in the Houses of Lords and Commons; but the fact was, that Lord Roden came down in the one house, and his son Lord Jocelyn, a very gallant officer, in the other, and in a very irregular way they put questions to the Ministers, which, as there was no subject-matter of discussion before the House, were very irregularly answered. That was the proceeding which, according to the Lord Chancellor, constituted a law. The Lord Chancellor had not denied the legality of attending such meetings prior to the declaration of Government, and the question was, whether attendance at those meetings formed a constitutional ground for dismissing a magistrate? He thought not. He regretted the dismissals, and, unlike the noble Duke, he regretted the resignations still more, for they were calculated to cripple the administration of justice in Ireland. They were now told that arbitrary tribunals must be set up in Ireland. It was a bad state of things. He admitted, that the union ought to be maintained, and that upon the maintenance of the union depended both the happiness of Ireland, and the greatness of this country; but the inconsiderate steps which had been taken by the Government would endanger the union, and greatly aggravate all the perils of separation. He had rather lamented to hear the noble Duke say, that for the present there must be only stern resistance. He heartily assented to the resistance, but that was not all that ought to be done. There ought to be measures of concession and conciliation. A measure of that nature would not meet with the fate of the Irish Arms Bill in the other House, a bill for branding arms, and for making domiciliary visits to search for arms, nobody knowing what was meant by arms. He hoped, that the Government would determine upon the introduction of such measures as would put an end to the dissatisfaction which existed in Ireland.

The Earl of *Eldon* wished to correct an error into which the noble and learned Lord had fallen in supposing that the late Lord *Eldon* did not think he had the power to dismiss magistrates; he claimed the power, but he refrained from exercising it.

Lord *Brougham* said, that Lord *Eldon* carried the principle further than all other Chancellors. In the celebrated case of

the Durham magistrates, it was held by him that in England no magistrate ought to be dismissed when once in the commission, until convicted of some offence. In Ireland, there was a difference. When Mr. Peel asked Mr. Ponsonby in the House of Commons the reason why some magistrates who held extreme opinions upon Catholic emancipation were dismissed, he replied, "That he always considered each case well, and had his reasons; but there were cases in which he would refuse to give his reasons for dismissing magistrates."

The *Lord Chancellor*: My Lords, I rise with great reluctance at this late period of the night to address your Lordships, but considering the situation which I fill, and the learned individual against whom the resolution of the noble Marquess is directed, I do not think I shall properly perform my duty if I abstain from expressing my opinion upon the subject that has engaged your Lordships' attention. On a former night I took occasion to state my opinion upon the subject of the proceedings of the Lord Chancellor of Ireland, whose conduct in the dismissal of the magistrates is perfectly justified; and who would, I think, have deserted his duty if he had not pursued that course which he had adopted. My Lords, I adhere to that opinion. I say that the Lord Chancellor of Ireland, and the Government of Ireland would have deserted their duty if they had not interfered in the manner they have done for the purpose of dismissing those magistrates, whose dismissal forms the subject of the present inquiry. Considering this to be a great constitutional question, I cannot help observing, that I think it has been conducted in a most extraordinary way, in introducing into it little petty lawyer-like criticism, and I might not have thought myself called upon to rise for the purpose of taking part in this debate, if my noble Friend who has just spoken had not adverted casually indeed, and without much impression, to the nature of the proceedings, the constitutional character of those meetings, and the unconstitutional course which has been pursued by the Lord Chancellor of Ireland. He says, that the people have a right to assemble to petition; he says that they may assemble together for the purpose of petitioning for the Repeal of the Union; that there was no distinction between the law in question—that which established a union between Ireland and England, and any other. He says,



that the meetings were legal, and that the dismissal of the magistrates for attending those meetings was illegal and unconstitutional. That is the charge which appears to have been made against the Lord Chancellor of Ireland, and has appeared in the papers which have been laid upon your Lordships' Table. That charge has been often repeated. I feel myself, therefore, called upon to repel that charge, to look at facts as we find them, and I would ask your Lordships to say whether any reasonable man, looking at those facts steadily and unprejudicedly, can say that the course which has been pursued was unconstitutional? It is impossible fairly to consider this question, without adverting to the existing state of Ireland. I should not do justice to my hon. and learned Friend, and to the Government of Ireland, if I did not direct your attention to the actual position and state of things in Ireland in respect to the present agitation. In the first place, I would call your Lordships' attention to the Repeal Association, an association which was formed for the purpose of repealing the Union nominally, but, according to the admission of every noble Lord and reflecting mind, an association which has for its object the dismemberment of the empire. This is the expression used by a noble Lord, and properly and correctly used. No person can for a moment doubt that the Repeal of the Union must necessarily be followed by a dismemberment of the empire. My Lords, I regret to say, that this association numbers in its ranks, and as active co-operators, almost the whole of the Roman Catholic priesthood of Ireland. I regret the more to say, that they are supported and co-operated with by almost the whole of the Roman Catholic hierarchy in Ireland. Looking at these facts—at the influence and power of those individuals over the population of Ireland—at the force and the power possessed by this association, which is almost unlimited and unbounded in its extent—let me direct your Lordships' attention to the machinery which is made use of to accomplish the objects of this association. Your Lordships will find, that in every parish in Ireland officers have been appointed, who are called repeal wardens, to whom allusions has been made in the course of this debate, whose object is to drill and discipline the population of Ireland—to communicate with the association; and, as has been said in the course of this debate, to render the whole population capable of being set in motion

within twenty-four hours. This is not all: we find there has been a curious contrivance adopted for the purpose of enlisting the people as recruits and soldiers in the service of this association. This is of a singular and most effective kind—passes are granted upon the payment of the small sum of 1s. without which, it appears that no man belonging to the lower classes is safe, or can, without hazard, go abroad. These passes are considered as enlisting in the service soldiers who were ready to obey any commands which they received from those who acted as the leaders. Again, my Lords, let us consider the operations of this society, the means it employs to carry on its operations, the mischief it is capable of effecting. I shall now allude to the topic which has been so well commented on by my noble Friend. I mean the power that is exercised for the levying of voluntary contributions, as it is called, but as I should call it—though it may be considered a bull—by forced voluntary contributions. Large sums have been transmitted to the treasury in Dublin for the purpose of carrying on the operations of the association. It is by this association, thus constituted, that those meetings are assembled, the time and place of holding which are duly appointed, and the whole proceedings take place under the direction and counsel of the one great leader. I ask your Lordships if in any civilised country such power as this has ever existed—a conspiracy more formidable, one more dangerous to the state and more pregnant with mischief. But let us see the objects of this association, for when we are considering the conduct of the Lord Chancellor of Ireland, it is proper to take the whole case into our consideration. What then are the objects? This organisation—this foul conspiracy, because it cannot be called by a better name, has for its object, to Repeal the Union. That is its first step. They then propose to establish an Irish Parliament—an Irish House of Commons in Dublin, which are to be collected together by the Universal Suffrage. They are next to constitute a peerage, composed in a manner which is to be selected by the association. I am yet but repeating what has been publicly stated by the leader, the captain of this association. The next object they have in view, which has been publicly declared, is the destruction of the Protestant Church of Ireland—the confiscation of the property of the Church to be applied to such objects as the

association may hereafter think right and proper. The third object is to establish what is called fixity of tenure—that is, a transfer of property from the landlords to the tenants, which is proposed for the purpose of flattering the passions and exciting to agitation the great mass of the people. My Lords, I don't think it necessary to refer to documents to establish these facts, as they are not concealed, but are stated in broad day and published by the leader of the association. I might appeal from the authority of the noble Marquess to the speech of Lord John Russell, which was made on this subject some years ago in the other House of Parliament, in which that noble Lord described the objects of this conspiracy in terms much better than I can make use of. It is remarkable that at that time this association was in its infancy, and it has since been matured, and is infinitely more formidable now than at the former period. Let me direct your Lordships' attention to those multitudinous meetings, which are considered by some as legal assemblies, and such as could be fairly attended by persons holding the situations of justices of the peace. I regret, my Lords, to see that the noble Lord to whom I have alluded by some incautious expression has given much encouragement to those meetings. My Lords, I do not believe that the noble Lord has used those expressions, which have been most unfortunately repeated and made use of in the placards which are exhibited for the purpose of summoning those meetings. I allude particularly to the meeting in Athlone, at which it was stated that the noble Lord had given his concurrence to the legality and constitutional character of those meetings. I am persuaded that nothing of the kind ever fell from that noble Lord. Unfortunately some expressions fell from the noble Lord which led to this supposition. Speaking of those meetings—the manner in which the evolutions of the people were conducted—the regularity of their marches—the display of banners with every military insignia, have been already painted in such admirable colours by the noble Duke, that it would be idle for me to attempt anything of the kind. Let us, my Lords, but attend to the speeches that have been made at these meetings. Everything that can excite the hatred of the people towards this country, inflame their ambition, or excite and awaken their cupidity, is made use of on these occasions. The extraordinary thing is that those excitements which

are addressed to the most excitable people in the world are attended with no disorder, no disturbance; the people are under such powerful control that it can be explained on no other principle than that they suspend their feelings in the confident expectation that by so doing they will be enabled in a future period to indulge them without restraint and without control. But it is said by some that these meetings are legal; I ask you whether it be possible in any civilized country that there could be such a system of law in operation as would admit of the legality of such meetings? It is said that they excite no terror, but numbers that do not excite terror do not make meetings legal. We find, however, that in some places where the Protestants are few they dare not show themselves, and this we know that in Mallow, where a great meeting was held on a Sunday, the Protestants dared not attend Divine service. From what did this proceed? Was it not from terror, from alarm, and an apprehension of the consequences. If there be any one then, who can say that such meetings are not illegal, there is no proposition, however absurd or extravagant, that such persons would not indulge in. We are told that these meetings are to exercise the right of petitioning; but the noble Marquess has put them on their true ground when he asks are they really for this purpose, or is it merely under that colour and pretence? My Lords, they are hypocritical meetings, and the pretext of petitioning is held out to disguise their real object. What do we find in the speeches addressed to the people at these meetings? Allusion in one instance is made to the people having beaten the troops at Brussels, and they are told not to be under any apprehension of the consequences of a collision. Allusion is also made to the three glorious days of July, in such an obvious manner as to show that by union and energy and courage and activity they need not be afraid in a combat or a contest with the soldiery. Nay, my Lords, there was another allusion made to Afghanistan and Cabool, obviously with the same object, and showing that where the people are determined and united they need have no fears of the result. My Lords, does not this show the objects of these meetings; that they are not for the purpose of discussing petitions to Parliament, but that it is the first step in the march towards rebellion, and that it is for the purpose of encouraging the people and preparing them for such a result. Has



there not also been allusion made to assistance from France? What is this assistance required for? Assistance to petition? Allusion is also made to America, and to assistance and support from that quarter. My Lords, all these circumstances lead to one conclusion and one only—namely, that petitioning is a mere pretence, and that these meetings are, in fact, nothing less than preparations for rebellion. Again, my Lords, another stride has been taken within a short period. We hear of a convention, and allusion is made to the convention that existed at the time of the revolution. It is stated on high authority that the Union is unlawful, that it was effected by a violation of all principle, and is not binding. The authority of Lord Plunkett and Chief Justice Bushe are quoted that the Union is not lawful or binding, and that they may set up a convention on the model of that established at the revolution. And yet these are said to be meetings to petition Parliament. My Lords, if I am correct, or anything like correct, in my description of these meetings, who can say that any party who countenances and encourages them is not guilty of illegal and improper conduct; and if a magistrate the representative of the executive, countenances them, what right has he to complain if he be dismissed from the commission of the peace? Let the question be fairly and impartially discussed, and if you go along with me in the description I have given of the objects of this conspiracy, tell me if I am right in saying that the Lord Chancellor of Ireland has acted in the true spirit of the constitution in dismissing those attending them, and who held at the time the office of a justice of the peace? It is said that some of these magistrates, and Lord Ffrench, for instance had done nothing. Why Lord Ffrench's name was attached to a proclamation calling one of these meetings. Is that doing nothing? How is it possible for any rational man to get up and contend that the dismissal under such circumstances is unconstitutional, and then to quibble upon the meaning and construction of a letter, my Lords, this I am convinced of, that no person should be allowed to hold an office under the Crown who attends meetings of this description deliberately and advisedly, and had I held the office of Chancellor of Ireland I should have felt it my duty to do the very same. My noble Friend asks me whether I should have written such letters, but in my opinion never was

there such a misconstruction of letters. The learned Lord stated distinctly that these meetings are illegal—he says they inevitably tend to outrage, and how any man can say that meeting shaving an inevitable tendency to outrage can be legal is inconceivable to me. He says, “You who attend these meetings are not fit to be entrusted with the preservation of the peace, and we in any emergency can place no reliance upon you;” and upon these grounds, and these alone, the magistrates are dismissed. That the Lord Chancellor states the meetings to be illegal is beyond the possibility of doubt. He says I dismiss you the Government dismisses you and cannot resort to you for assistance in case of any disturbance of the public peace. But the question is too important, the subject is too large, and it embraces considerations too weighty to descend to criticising a little phrase contained in a letter. The question is, ought persons attending these meetings to be allowed to retain the commission of the peace? On these grounds I shall oppose the motion of the noble Lord; and I am confident that a large majority of your Lordships will be of the same opinion, and that the Chancellor of Ireland will have no reason to be dissatisfied with the discussion that has taken place.

Lord Cottenham said, that the declaration of his noble and learned Friend upon the Woolsack had added an importance to this debate, which, important as it was from the first, it had not previously possessed. His noble and learned Friend had stated it to be his opinion, that the conduct of the Lord Chancellor of Ireland in dismissing the recently superseded magistrates was perfectly constitutional; and added, that if he had been in his (the Chancellor of Ireland's) situation, he would have acted as he had done. He owned, that he was much astonished at the courage of his noble and learned Friend in making such a statement. His noble and learned Friend had given them a description of the state of affairs in Ireland, and if the picture which his noble and learned Friend had drawn were correct, if that conspiracy really existed of which he had spoken, why then, high treason had been committed. High treason was rife over the land, and Government had taken no measures for its suppression. His noble and learned Friend talked of a conspiracy to overturn the Government, to subvert the Established Church of Ireland, and to

sever the union between the two countries, not by means of Parliamentary enactment, but by physical force: and these, too, not as designs which might be undertaken, but as designs, in the prosecution of which, that which had passed and was now passing in Ireland, had taken place. If it was so, did not that amount to high treason? And how was this high treason met? Why, by dismissing some half dozen magistrates from the commission of the peace: an act by which they had increased the danger, and by which—if there was high treason at all in the case—they had very much promoted its objects. In stating his views as to the course pursued by the Irish Government, he would offer no opinion as to the objects of those who were promoting the present agitation, but he had no hesitation whatever in stating it to be his deliberate opinion that the conduct of Government—for he would not view it as the conduct of an individual Member of the Irish Government—in dismissing these magistrates was perfectly unconstitutional, and he could prove it from the statements of the Lord Chancellor of Ireland himself. He did not wish to go beyond the Lord Chancellor's own letters in making the case good against him. These meetings might be dangerous. He would say nothing in their favour—nothing in the favour of those who attended them; but it was not because the magistrates had attended them that they were dismissed—it was not because they attended meetings for the purposes of high treason that they were dismissed; on the contrary, they were dismissed before they attended them—they were dismissed for mere announcement of intentions of attending repeal dinners. And there was another class of dismissals, in which the magistrates had been superseded for writing letters expressing their adherence to the Repeal Association. The course pursued by the Lord Chancellor of Ireland was simply this—that for every overt act by which a magistrate publicly professed his attachment to the cause of of Repeal, he was to be dismissed from the commission of the peace. He might do it by signing a requisition calling a meeting—by attending a meeting—by being present at a dinner—by any declaration of opinion favourable to Repeal. All or any of these acts were considered by the Lord Chancellor of Ireland as afford-

ing sufficient grounds for the dismissal of a magistrate from the commission of the peace. This was what his noble and learned Friend said that he would do were he Lord Chancellor of Ireland. Was it the law of England or of Ireland that a magistrate, guilty of no offence, should be dismissed from the commission because he entertained sentiments favourable to Repeal? It surely was a bold declaration of his noble and learned Friend, and yet it was the ground of dismissal laid down by the Lord Chancellor of Ireland. They had heard of high treason; but what became of this high treason of which they had heard for several months? If there was anything true in the statement made by his noble and learned Friend, high treason must have been rife in Ireland for some months before the declaration made by her Majesty's Ministers, as well as after it; but no measures were then taken for its suppression. Surely there was nothing new or unexpected in that declaration. Everybody knew that her Majesty's Government were determined to uphold the Union, but it was only after that declaration had been made in Parliament, that the Lord Chancellor of Ireland thought fit to remove magistrates from the commission of the peace for attending Repeal meetings. It was always a most delicate thing to dismiss a magistrate, inasmuch as it was a reflection on the character of the individual. The history of this country might be searched, and no instance before the present case would be found in which a magistrate had been dismissed for having declared opinions in favour of the repeal of any act however sacred. The Lord Chancellor of Ireland had never stated in his letters that the Repeal meetings were illegal; and if, then, it be proved, as he thought that it was proved, that the Lord Chancellor for Ireland had dismissed magistrates not for illegal acts, but because they entertained opinions not sanctioned by the Government, he thought that such a proceeding was highly unconstitutional. It was putting magistrates upon a different footing from any other persons in the realm, and inconsistent with their character as Gentlemen. Hitherto, however, large and apparently dangerous Repeal meetings might have been, the persons composing them had abstained from any breach of the peace. He believed it was the desire of the leaders to do so, and it was not unreasonable to suppose that



the magistrates in question only meant to carry a constitutional object by peaceful means. But, suppose that at some future period these meetings should abandon their peaceful character, and that breaches of the law should be committed, the fair probability was, that in such an event a magistrate would perform his duty, and assist in putting down unlawful proceedings. These very men might be the last persons to commit any breach of the peace or offence against the law; nay, a fair inference was that they attended these meetings in order that by their presence peace might be preserved, and no violent proceedings permitted. The letters of the Lord Chancellor of Ireland never conveyed any intimation that the meetings were illegal; they amounted to this, "the Chancellor declares that you have entertained opinions different from those of Ministers, and although you have committed no breach of the law, yet for differing from the declared wishes and sentiments of the executive Government, you are dismissed from the commission of the peace." This was an interference sanctioned by neither practice nor law, and therefore properly characterised in the resolutions before their Lordships, as unconstitutional, unjust, and inexpedient.

The Marquess of *Clanricarde*, in reply, remarked, that the Ministry had sacrificed their dignity, and what was of much more consequence, had compromised the dignity of the Crown, by an ill-judged and unseemly contest (in which they had been signally defeated) with the agitators. Why was not something done to redress the grievances of Ireland? He should probably feel it his duty more than once again, in the course of the present Session, to bring the subjects connected with Ireland before the House. He agreed with his noble Friend opposite in the compliment paid to the Protestants of Ireland, but he thought it would be better policy to repress the people at the beginning than to allow them to go into danger.

Their Lordships divided:—Contents 29; Not-Contents 91:—Majority 62.

#### *List of the CONTENTS.*

MARQUESSSES.	
Lansdowne	Fortescue
Clanricarde	Leitrim
	Fitzhardinge
	Auckland
	Eslington
EARLS.	
Suffolk	Charlemont
Erroll	Belfast.

VISCOUNTS.	
Ponsonby	Sudeley
Duncannon.	Wrottesley
	Leigh
BARONS.	
Camoy's	Monteagle
Teynham	Foley
Cottenham	Lilford
Campbell	Rossmore
Colborne	Lyttleton
De Mauley	Dinorben
	Bateman

#### *List of the Not-CONTENTS.*

DUKES.	
The Lord Chancellor	Glengall
Beaufort	Sheffield
Buccleuch	Eldon
Wellington	Howe
Cleveland	Somers.
MARQUESSSES.	VISCOUNTS.
Salisbury	Sydney
Abercorn	Strangford
Downshire	Gage
Exeter	Hawarden
Londonderry	St. Vincent
Ailesbury	Combermere
Westmeath	Canning
Ormonde.	Lowther.
EARLS.	BISHOPS.
Devon	Rochester
Shaftesbury	Oxford
Jersey	Chichester
Morton	Ossory.
LORDS.	
Haddington	De Rous
Kinnoull	St. John
Dalhousie	Boston
Leven	Rodney
Aberdeen	Berwick
Dunmore	Kenyon
Orkney	Wodehouse
Dartmouth	Northwick
Warwick	Dunsany
Delawarr	Carbery
Bathurst	Clonbrock
Abergavenny	Crofton
Mount Edgecumbe	Redesdale
Beverley	Rivers
Liverpool	Sandys
Egmont	Manners
Longford	Prudhoe
Wicklow	Colchester
Lucan	Forester
Bandon	Rayleigh
Caledon	De Tabley
Rosslyn	Wharnccliffe
Wilton	Feversham
Powis	Tenterden
Charleville	Heytesbury
Manvers	Brougham
Harewood	Templemore
Verulam	De L'Isle.
Brownlow	

#### *Paired off.*

CONTENTS.	NOT-CONTENTS.
Marq. of Breadalbane	Duke of Cambridge
Earl of Rosebery	Duke of Montrose
Lord Saye and Sele	Marquess of Huntly

## CONTENTS.

## NOT-CONTENTS.

Duke of Sutherland	Marquess of Ely
Earl Zetland	Earl of Tankerville
Earl of Scarborough	Earl of Hardwicke
Lord Strafford	Earl of Ripon
Earl Yarborough	Viscount Hood
Lord Montfort	Viscount Lake
Earl Thanet	Viscount Beresford
Lord Denman	Lord Middleton
Earl Cowper	Lord Ravensworth
Bishop of Norwich.	Lord Skelmersdale.

Adjourned at half-past two o'clock.

## HOUSE OF COMMONS,

Friday, July 14, 1843.

MINUTES.] **BILLS.** *Public.*—1<sup>o</sup>. Arches and Prerogative Courts (Canterbury).—Mandamus Appeals.—Warrants of Attorney.

2<sup>o</sup>. Designs Copyright; Holyrood Park.

*Reported.*—Appeals, etc., Privy Council: Metropolitan Buildings; Cathedral Churches (Wales); Dundee Harbour.

*Private.*—2<sup>o</sup>. Earl of Gainsborough's Estate.

**PETITIONS PRESENTED.** By Lord Henniker, from Framlingham, and by Mr. T. Duncombe, from Middlesbrough, in favour of the County Courts Bill.—By Viscount Bernard, from Bantry in favour of the Irish Arms Bill, against the Repeal of the Union, and for Inquiry.—By Mr. Maakinnon, from St. Paul's Covent Garden, in favour of the Health of Towns Bill.—By Mr. T. Duncombe, from Burnley, for a Remission of the Sentence on the Chartists in Kirkdale Gao.—From Hatfield, against Forged Petitions for the Repeal of the Corn-Laws; and for Inquiry into them.—From Wigan, against the Amendments made in Committee on the Coroners Bill.—From Carragaline, in favour of the Schools connected with the Church Education Society.—From Carlisle, for Inquiry into the Accidents occurring in Limekilns (Ireland).—From Oldham, for a Tax on Wood sawn by Saw Mills.—From St. George's in the East, against the Factories Bill.—From Marylebone, for Inquiry into the Working of the Anatomy Act.—From Bridgton, for Mitigating the Treatment of T. Cooper and others.—From an Association of Merchants and Warehousemen of London, for Amending the Act relating to Warrants of Attorney.

## MAGISTRATES' CLERKS — RETURNS.]

General *Johnson* inquired whether the Home Secretary could give him any information as to the fund out of which magistrates' clerks were entitled to remuneration for preparing the returns ordered by Parliament. He knew of an instance in which one of those officers, who received no salary whatever, had been called upon to make out a return which would occupy at least three days in its preparation; he wished to know how he should be paid?

Sir *J. Graham* considered the subject to which the hon. and gallant Gentleman had alluded, was well worthy the consideration of the House. Those returns were multiplied every Session of Parliament; in many cases they were very voluminous; they necessarily occupied very

considerable time in their preparation; the magistrates' clerks were the parties called upon to make them out; no fund was placed at the disposal of the Government for meeting the expense, and the individuals so employed could not by law make any claim on the county-rates. He felt the hardship of the case, but the law provided no remedy. There was no fund whatever out of which the parties preparing the returns ordered by Parliament could be remunerated for their labour.

**PRESBYTERIAN MARRIAGES (IRELAND).]** Mr. *Ross* begged to ask the right hon. the Secretary of State for the Home Department, if he was aware, that the decision of the judges, as to mixed marriages, had caused great consternation amongst the Presbyterians in Ireland. He also wished to know, if the House of Lords adopted that decision of the judges, and whether the Government would introduce any measure to prevent the unpleasant consequences that must arise from such adoption of the decision.

Sir *J. Graham* said, that the hon. Member must perceive that it would be impossible for him to give a positive answer to the question which had been put to him, he did not by any means undervalue its importance, and a strong opinion was entertained by the Government, that it was desirable the law should be ascertained, whatever inconvenience might arise from such a decision. The hon. Member must be aware that the judges only had as yet given their opinion. The House of Lords had not as yet decided on the subject, and as he could not anticipate what the decision of the Lords might be, it must be evident that the Government could not state, pending the decision of the House of Lords, what course they might take under the circumstances referred to

**DURHAM CITY ELECTION.]** Lord *Ashley* reported from the select committee appointed to try the merits of the petitions, that the committee had determined,

"That the election of the right hon. Arthur Hill Trevor, Viscount Dungannon, as a citizen to serve in this present Parliament for the city of Durham, is a void election."

To be entered in the Journals.

House further informed, That the committee had come to the following resolution.



"That the right hon. Arthur Hill Trevor, Viscount Dungannon, was under the Act 5 and 6 Vic. c. 102, s. 20, guilty of bribery, by payment by his agents, John Ward and George Wilkinson and others, of certain sums of money to a large number of voters after the last election, on account of such voters having voted at the said election in favour of the said Lord Dungannon; but, that, from the evidence, it does not appear, that Lord Dungannon was himself in way cognizant of these acts of bribery."

Report to lie on the Table.

The evidence taken before the committee to be laid before the House.

ARMS (IRELAND) BILL.] On the question, that the Speaker do leave the Chair for the House to go into a committee on the Arms (Ireland) Bill.

Mr. *W. S. O'Brien* moved as an amendment, that the further proceedings on the bill be suspended until the other measures relating to Ireland which are now before the House, be considered in all their stages. He thought that before this measure should be allowed to go further the House ought to know what was to be done with respect to the other Irish measures now pending. One of those measures was the Irish Poor-law Amendment Bill, which, he believed, he might say, that all the Irish Members deemed of paramount importance. That had for a long time been cast aside to make way for the discussion of this bill. Next was the Irish Corporation Bill, which was introduced early in the Session, and which would, he believed, give general satisfaction if it were carried out. There was then the Pawnbrokers (Ireland) Bill, with respect to which many persons had come over here from various parts of Ireland, and were waiting for a considerable time at great personal inconvenience. It was a month since that bill was committed *pro forma*, but it had not yet been printed in its amended shape. The other bills put aside for the Arms Bill were the Fines and Penalties Bill, the Court of Exchequer (Ireland) Bill, the Law Courts Bill, the bill for reducing the 1s. duty on whisky, and the Charitable Loan Societies Bill. Now, he was sure that hon. Members on the Ministerial benches would approve the course taken by the Irish Members with respect to the Arms Bill. Well, he would put it to them—to the House generally, whether so many important measures as those he had named should

be set aside on account of the trumpery clauses of this bill, which would not afford any security whatever for the objects for which they were introduced?

Mr. *Hume* asked whether all the English measures now pending should also be delayed until this Irish Arms Bill was gone through? If they were, it was certain that many of them would be abandoned for want of time to carry them through. We were now in the middle of July, and he was sure, that with the utmost exertion it would be impossible to get the measures now pending through Parliament before the end of August.

Mr. *Ewart* said, the progress of the Ecclesiastical Courts Bill, the County Courts Bill, and several other important measures was entirely delayed by the course which had been adopted by the Government with respect to the Arms Bill. If that bill were allowed to take precedence of all other business, the whole course of legislation would be obstructed. Were the Poor-law Bill and the Factories Bill, which he should have thought the right hon. Home Secretary would have abandoned, to be delayed merely in order that this odious Arms Bill might be inflicted upon the Irish people?

Mr. *Wallace* hoped his countrymen would understand that the important measures in contemplation respecting the Scotch Church, which would effect an entire change in the constitution of that Church, were delayed in order that this obnoxious bill might be passed. He thought when those measures came before that House he should be fully justified in following the praiseworthy example which had been set by the Irish Members, and in offering every opposition in accordance with the forms of the House to their progress.

Sir *R. Peel* understood that the Irish Members had disclaimed any wish to offer such opposition to the progress of this bill as that for which the hon. Member for Greenock gave them credit. The hon. Gentleman said that because he, as an individual Member of that House, entertained an objection to particular measures he would control and defeat the sense of a vast majority of the House by availing himself of its forms in order to obstruct legislation. It would be for the country to judge, whether such a course were compatible with the public interests; and whether, if other hon. Members—who had an

equal right with the hon. Gentleman to object to particular measures—pursued a similar line of conduct, they would not abuse the privileges they possessed as Members of that House. Such conduct, if persisted in, would, indeed, involve a suspension of the functions of the House. The hon. Member might attach great importance to the objections he entertained to the measures to which he had alluded; but other hon. Gentlemen might entertain as strong objections to other measures not connected with Scotland, and if they adopted a similar course to that which the hon. Member for Greenock had expressed his determination to pursue, the utility of that House might be entirely defeated by the acts of one or two hon. Gentlemen. The course the Government was pursuing with respect to this bill was quite consistent with the usage of Parliament, and it was one which they adopted not from any personal considerations but from a sense of public duty. It was, however, very unusual when the House was proceeding upon a bill in committee, to interpose motions of the nature of that which had been proposed by the hon. Member for Limerick. Of course he could not control the exercise of individual discretion, but when the hon. Member complained that the discussions on this bill interfered with the progress of public business, he must leave it to the country to judge whether the Government were responsible for the delay of measures connected with the interests of Ireland, of Scotland, and of this country, which the Government were most anxious to submit to the patient and deliberate consideration of the House.

Mr. *M. J. O'Connell* thought the hon. Member for Greenock laboured under some misconception as to the course which the great body of Irish Members wished to pursue with regard to this bill. He should not be dealing candidly with the House if he did not admit that it had been suggested that some such course as that alluded to by the hon. Member for Greenock should be adopted in opposing the measure now under consideration; but the almost unanimous sense of the Irish Members was against such a proceeding. They considered, that however obnoxious some of the provisions of the bill might be, it was not of a character which would justify such extreme opposition. At the time the suggestion, to

which he had referred, was made, there were indications in the public journals and in other quarters, of a course being taken which might have justified his hon. Friends on that side in having recourse to any means of obstructing the progress of this bill which the forms of the House allowed. It was supposed that the Government entertained some intention of suspending that portion of the constitution in Ireland with which they considered the liberties of the people to be most vitally connected; and though, at that time, they came to no decision upon the point, the general opinion was that, if such a course should be adopted, it would be the duty of the Irish Members to adopt such a course as that to which the hon. Member for Greenock had referred. He did not, however, consider that the motion of the hon. Member for Limerick was of an obstructive character, though it might become so if a long debate arose upon it. He thought it was quite fair to say that, as several important measures with reference to Ireland were before the House, their whole time ought not to be devoted to this restrictive bill, but that those measures should be forwarded through the regular stages. The Poor-law Amendment Act was at least as important to Ireland as the bill now under consideration; and though he was desirous of avoiding such obstructions as that to which the right hon. Baronet had alluded, yet if the hon. Member for Limerick pressed his motion to a division, he should feel it is duty to vote in its favour.

Sir *R. Peel* said, the hon. Member for Kerry must see that, if the consideration of other measures were interposed, this bill might be delayed for some time; and objections might then be taken to its further progress on the ground of the advanced period of the Session. If the hon. Member for Kerry, and other hon. Gentlemen on that side of the House, would give him any guarantee that there was a probability that this bill might be passed through committee in two or three days, and if they wished to have an opportunity of discussing the Irish Poor-law Bill, he would be prepared to take into consideration such a proposal, if made *bonâ fide* and not with any intention of throwing over the Arms Bill until a late period of the Session. There was an honourable understanding in House which was as binding upon Gentlemen who entered into it as any formal



engagement, and if the hon. Member for Kerry thought that in the course of two or three days this bill might be passed through committee, the discussion being taken on bringing up the report, or on the third reading, he was ready to meet the wishes of hon. Gentlemen opposite with respect to the other Irish measures before the House.

Mr. *M. J. O'Connell* said, that for his own part, not to speak of other hon. Gentlemen, he could not enter into such an engagement. It was his full conviction, that, by this time, they would have arrived at least at the 20th clause of the bill; but difficulties had arisen as much on the other side as upon that on which he sat. The consideration of the 13th clause, which it was thought would have been unopposed, occupied the House until Ten o'clock last night; and they had not got beyond the second line of the 14th clause. He feared, therefore, it was impossible to enter into such an engagement as that suggested by the right hon. Baronet.

After a conversation in which several of Mr. O'Brien's Friends recommended him not to press the amendment, it was put and negatived.

House in committee.

Lord *Eliot* said, that the Government were desirous of meeting all fair and reasonable suggestions which were made to them, and they had endeavoured, in consequence of the discussion which occurred last night upon clause 13, to frame a definition of the term "arms." The definition was in these words, "That in the construction of this act, the word 'arms' shall be deemed and construed to include every description of fire-arms and air-guns, and no other weapon whatsoever." He must say that he did not think his hon. Friend and himself were obnoxious to the censure which had been cast upon them, for in no former act of this nature had any definition been given of the word "arms." He would also state the nature of some amendments which it was proposed to introduce in clause 14. Some doubt had been expressed as to whether, if a person were brought before a magistrate under the operation of this clause, and entered into recognizances, he would be liable to the detention of his arms. It was therefore proposed to introduce a proviso, declaring that if security be not required, or if it be required and shall be given, or if the person apprehended shall be dis-

charged, the arms seized shall in that case be restored. It was also proposed to reduce the time during which a person apprehended might be detained in custody before being brought before a justice of the peace, from twenty four to twelve hours.

The 14th clause was then amended.

On the question that the clause as amended stand part of the bill.

The committee divided: Ayes 51; Noes 27; Majority 24.

#### *List of the AYES.*

Allix, J. P.	Jermyn, Earl
Arbuthnot, hon. H.	Jones, Capt.
Baillie, H. J.	Knatchbull, rt. hn. Sir E.
Baring, hon. W. B.	Lincoln, Earl of
Boldero, H. G.	Lockhart, W.
Botfield, B.	Mackenzie, T.
Bruce, Lord E.	M'Geachy, F. A.
Buckley, E.	Manners, Lord C. S.
Chetwode, Sir J.	Manners, Lord J.
Cripps, W.	Newdigate, C. N.
Damer, hon. Col.	Nicholl, rt. hn. J.
Darby, G.	O'Brien, A. S.
Denison, E. B.	Pollock, Sir F.
Egerton, W. T.	Pringle, A.
Eliot, Lord	Rolleston, Col.
Flower, Sir J.	Rushbrooke, Col.
Gaskell, J. Milnes	Smith, rt. hn. T. B. C.
Gordon, hon. Capt.	Somerset, Lord G.
Goulburn, rt. hn. H.	Tennent, J. E.
Graham, rt. hn. Sir J.	Trench, Sir F. W.
Hampden, R.	Vesey, hon. T.
Harcourt, G. G.	Vivian, J. E.
Henley, J. W.	Wortley, hon. J. S.
Hinde, J. H.	Young, J.
Hodgson, R.	
Hope, hon. C.	TELLERS.
Hope, G. W.	Freemantle, Sir T.
	Baring, H.

#### *List of the NOES.*

Barnard, E. G.	Muntz, G. F.
Bernal, R.	Napier, Sir C.
Blake, M. J.	Ogle, S. C. H.
Bowring, Dr.	Power, J.
Browne, hon. W.	Stuart, W. V.
Busfield, W.	Thornely, T.
Chapman, B.	Trelawny, J. S.
D'Eyncourt, rt. hn. T. C.	Turner, E.
Ewart, W.	Wallace, R.
Fielden, J.	Wawn, J. T. J.
Fitzroy, Lord C.	Wood, B.
French, F.	Yorke, H. R.
Hatton, Capt. V.	TELLERS.
Heathcoat, J.	O'Brien, W. S.
Hume, J.	Clements, Visct.

Clause agreed to.

Clauses to the 19th inclusive agreed to.

On clause 20, persons licensed to keep arms, selling or disposing of them, to give notice of sale under a penalty of

It was proposed to fill up the blank with the words "five pounds."

Mr. W. S. O'Brien moved that the words be "ten shillings."

The committee divided on the question that the words be "five pounds: Ayes 61; Noes 28; Majority 33.

On the question that the clause as amended stand part of the bill,

The committee again divided: Ayes 60; Noes 34; Majority 26.

#### *List of the AYES.*

Arkwright, G.	Hinde, J. H.
Bailey, J.	Hodgson, R.
Bailey, J. jun.	Hope, hon. C.
Baring, hon. W. B.	Hope, G. W.
Bernard, Visct.	Hussey, T.
Boldero, H. G.	Ingestre, Visct.
Borthwick, P.	Jones, Capt.
Botfield, B.	Knatchbull, rt. hn. Sir E.
Buck, L. W.	Manners, Lord C. S.
Buckley, E.	Maxwell, hon. J. P.
Clerk, Sir G.	Newdigate, C. N.
Collett, W. R.	Nicholl, rt. hon. J.
Corry, rt. hon. H.	O'Brien, A. S.
Cripps, W.	Patten, J. W.
Damer, hon. Col.	Peel, rt. hon. Sir R.
Denison, E. B.	Peel, J.
Douglas, Sir C. E.	Polhill, F.
Egerton, W. T.	Pollock, Sir F.
Eliot, Lord	Pringle, A.
Flower, Sir J.	Repton, G. W. J.
Forman, T. S.	Round, J.
Gaskell, J. Milnes	Smith, rt. hon. T. B. C.
Gladstone, rt. hn. W. E.	Sutton, hon. H. M.
Graham, rt. hn. Sir J.	Tennent, J. E.
Greenall, P.	Trench, Sir F. W.
Grogan, E.	Trollope, Sir J.
Halford, H.	Vesey, hon. T.
Hamilton, G. A.	Young, J.
Hampden, R.	
Harcourt, G. G.	TELLERS.
Hardinge, rt. hn. Sir H.	Freemantle, Sir T.
Henley, J. W.	Baring, H.

#### *List of the NOES.*

Armstrong, Sir A.	Hume, J.
Barnard, E. G.	Napier, Sir C.
Bernal, R.	Norreys, Sir D. J.
Blewitt, R. J.	O'Brien, W. S.
Bowring, Dr.	O'Ferrall, R. M.
Browne, hon. W.	Plumridge, Capt.
Buller, E.	Power, J.
Chapman, B.	Ross, D. R.
Collett, J.	Smith, B.
Crawford, W. S.	Stuart, W. V.
D'Eyncourt, rt. hn. T. C.	Thornely, T.
Duncan, G.	Wakley, T.
Ferguson, Sir R. A.	Wawn, J. T.
Forster, M.	Williams, W.
Hatton, Capt. V.	Wood, B.
Heathcoat, J.	TELLERS.
Hill, Lord M.	Clements, Visct.
Howard, P. H.	French, F.

Clause agreed to.

On clause 21, a licensed person to pro-

duce arms when required by justices at petty sessions.

The committee divided on the question that the clause as amended stand part of the bill: Ayes 72; Noes 29; Majority 43.

#### *List of the AYES.*

Arkwright, G.	Hinde, J. H.
Bailey, J.	Hodgson, R.
Bailey, J. jun.	Hope, hon. C.
Baring, hon. W. B.	Hope, G. W.
Bernard, Visct.	Hussey, T.
Boldero, H. G.	Ingestre, Visct.
Borthwick, P.	Jones, Capt.
Botfield, B.	Knatchbull, rt. hn. Sir E.
Broadley, H.	Lincoln, Earl of
Buck, L. W.	Manners, Lord C. S.
Buckley, E.	Manners, Lord J.
Buller, Sir J. Y.	Maxwell, hon. J. P.
Clerk, Sir G.	Newdigate, C. N.
Collett, W. R.	Nicholl, rt. hon. J.
Corry, rt. hon. H.	Norreys, Lord
Cresswell, B.	O'Brien, A. S.
Cripps, W.	Patten, J. W.
Denison, E. B.	Peel, rt. hn. Sir R.
D'Eyncourt, rt. hn. C. T.	Peel, J.
Douglas, Sir C. E.	Pollock, Sir F.
Egerton, W. T.	Pringle, A.
Eliot, Lord	Repton, G. W. J.
Ferguson, Sir R. A.	Round, J.
Flower, Sir J.	Russell, Lord J.
Follett, Sir W. W.	Scarlett, hon. R. C.
Forman, T. S.	Smith, rt. hon. R. V.
Gaskell, J. Milnes	Smith, rt. hn. T. B. C.
Gladstone, rt. hn. W. E.	Stuart, W. V.
Gordon, hon. Capt.	Sutton, hon. H. M.
Graham, rt. hn. Sir J.	Tennent, J. E.
Greenall, P.	Trench, Sir F. W.
Grogan, E.	Trollope, Sir J.
Hale, R. B.	Vesey, hon. T.
Hamilton, G. A.	Young, J.
Hampden, R.	
Harcourt, G. G.	TELLERS.
Hardinge, rt. hn. Sir H.	Freemantle, Sir T.
Henley, J. W.	Baring, H.

#### *List of the NOES.*

Armstrong, Sir A.	O'Brien, W. S.
Barnard, E. G.	Plumridge, Capt.
Blewitt, R. J.	Power, J.
Bowring, Dr.	Protheroe, E.
Browne, hon. W.	Ross, D. R.
Chapman, B.	Smith, B.
Collett, J.	Stansfield, W. R. C.
Duncan, G.	Trelawny, J. S.
Esmonde, Sir T.	Wakley, T.
Ewart, W.	Wallace, R.
Forster, M.	Wawn, J. T.
Hatton, Capt. V.	Williams, W.
Heathcoat, J.	Wood, B.
Hill, Lord M.	TELLERS.
Hume, J.	Clements, Visct.
Napier, Sir C.	Crawford, W. S.

Clause agreed to.



On clause 22, justices may withdraw licences.

Mr. *Ross* moved to insert the words "on account of any crime or misdemeanour connected with the use of arms." As the clause now stood a person guilty of a very trivial offence, a common assault for instance, might be arbitrarily deprived of his licence after having duly registered his arms.

Lord *Eliot* contended that the clause was a mitigation of the existing law. The magistrates might now withdraw a license whenever they pleased. The clause did not make it imperative on the justices to withdraw licenses in the cases supposed, but merely provided that it "shall and may be lawful" for them so to do.

Sir *R. Ferguson* suggested that the clause had better stand as at present; because, in cases of riot, it might be desirable to withdraw licenses to bear arms, although the parties had not been guilty of felony. He thought, however, that the magistrates ought to state in their notice of withdrawal the grounds on which they proceeded.

The *Attorney-General* admitted the propriety of this latter suggestion, otherwise the notice given by magistrates might be altogether illusory.

Lord *J. Russell* supported the clause. If the magistrates had not the discretion of withdrawing arms from improper persons, they would show much greater unwillingness to grant licenses in the first instance.

The committee divided on the question that the words be inserted; Ayes 46; Noes 95; Majority 49.

Clause, with verbal amendments, agreed to.

On clause 24, justices and constables to enter and search houses in which it is suspected that unregistered arms are kept,

Mr. *Bernal* said, that this was a most important clause, and one great objection to it was that it conferred the power of search upon a single magistrate. He proposed, as an amendment, the insertion of words which would place this power in the hands of two magistrates; observing, that this alteration would tend to afford greater security to the rights and liberties of the subject.

Lord *Eliot* said, that it had been proposed to place this power in the hands of a single justice of the peace because, in many parts of the country it would be a matter of considerable difficulty to obtain

the services of two magistrates. In consequence, however, of the objections which had been urged against the clause in its present shape, it was proposed to place the power of search in the hands of one stipendiary magistrate, or of two justices of the peace.

Mr. *M. O'Ferrall* complained that this clause would have the effect of delegating to constables the duties of magistrates. The greatest excitement and ill-feeling had been occasioned by searches for arms having been conducted during the night, and he hoped some means would be adopted to prevent such proceedings in ordinary cases for the future.

Sir *J. Graham* suggested that the hon. and learned Member for Weymouth (Mr. *Bernal*) should withdraw his amendment, in order that an opportunity might be afforded for considering the amendments which the Government proposed to introduce in this clause.

Amendment withdrawn. The House resumed. Committee to sit again.

House adjourned at a quarter before one o'clock.

## HOUSE OF LORDS,

Monday, July 17, 1843.

MINUTES.] *BILLS. Public.*—1<sup>a</sup>. Bridges (Ireland).

*Reported.*—Norfolk Island.

3<sup>a</sup>. and passed:—Church of Scotland Benefices.

*Private.*—1<sup>a</sup>. Dundee Harbour.

2<sup>a</sup>. Earl of Shrewsbury's Estate; Paisley Municipal Affairs; Hambro's Naturalization.

*Reported.*—Northampton Improvement; Londonderry Bridge.

3<sup>a</sup>. and passed:—Fox's Estate; Inchbelly (Glasgow) Roads.

PETITIONS PRESENTED. By Lord Prudhoe, from the Clergy of Richmond, for establishing a Bishopric at Manchester.—By Viscount Hawarden, from Donoughmore, against any further Grant to Maynooth College.—By the Marquess of Northampton, from Northampton, for fixing the Time of holding Borough Sessions.—By Lord Redcsdale, from (Tickhill), in favour of the Normal and Infant Schools.—From Gort, and Kilaraght, against the Irish Poor-Law.—From Loughrea, for Relief from the Re-payment of the Money advanced by Government, and against the Poor-Law.—From Armagh, against Part of the Spirits (Ireland) Act.

BREACH OF PRIVILEGE—KENDAL GAZETTE.] Lord *Brougham* said that, generally speaking, he was the last person who would complain of a breach of privilege. He had been between thirty and forty years in Parliament, and he had never taken this course on more than one or two occasions, but if such matters as he had now to mention were allowed to pass without notice, he did not see how it was possible for Members of either House to bring forward

measures which they conscientiously thought were for the public good. It appeared that a person of the name of William Brown was the printer of the *Kendal Gazette*, and he gave notice that on this day week he would move that this person be brought to their Lordships' bar. At the suggestion of the Master of the Rolls, he had lately presented the Declaratory Suits Bill, the object of which was to introduce into the law of this country a principle laid down by successive judges in Scotland; and the writer in the newspaper in question had asserted that his motive in propounding this measure was, that he might favour his own personal interests in an action about to be tried at the next assizes for Cumberland. This was what the writer had had the face to state, when the fact was that the bill was of a diametrically opposite character, as might be known to all the world, since it had been published in various newspapers. The charge was, that he had sought to introduce into the law of England the Scotch law of prescription, as regarded a possession of forty years (the term was, in fact, sixty years, but that was quite immaterial), which might be very convenient for those who had obtained possession of the estates of other people. As he and his ancestors had been in possession for centuries, he did not see how a prescription of forty years could be of much value, but, in fact, that provision had originated with a noble Friend while he sat on the woolsack. [Lord Cottenham: I am answerable for that.] That act gave the right after a much shorter term—forty years in one case, and twenty years in another—and nothing more erroneous could have entered into an ignorant or a malicious person's brain. The Declaratory Suits Bill had nothing in the world to do with length of possession, and it applied to a totally different flaw in the title, with which time had no connection, but would be as beneficial to a person out of possession as in possession. He would only add, that if Members of either House, in introducing measures on general principles and of a most extended nature, were actuated by the base and despicable motive of private and personal interest, they would be utterly unfit for their situations, and their measures unworthy of a moment's consideration. On this day week he would move that the printer of this scandalous libel, which was a gross

breach of privilege, be brought to the bar of the House.

CHURCH OF SCOTLAND BENEFICES.]  
On the motion of the Earl of *Aberdeen*, the Church of Scotland Benefices Bill was read a third time.

Lord *Cottenham* moved the amendment of which he had given notice, to omit in the first clause the word "declared," so as to render it merely an enacting measure. The declaratory word to which he objected, stated that to be the law of Scotland which was not in fact the law.

The Lord *Chancellor* considered it a very extraordinary circumstance that the noble and learned Lord had never discussed the bill on its merits. The object of the bill was to put an end to disputes and discussions on points of form. It had been said that this bill was an encroachment upon the rights of patrons; but he denied it. On the contrary, the bill would place the rights of patrons on a better foundation than ever. He hoped, for the sake of putting an end to the agitation in the Scottish Church, their Lordships would pass the bill. There could be no doubt that the congregation had a right to object to the presentee, and that the presbytery had a right to decide upon that objection. That had been the general opinion as long as he could remember. He believed there was no foundation whatever for the objections of his noble and learned Friend, and he, therefore, felt compelled to oppose the amendment.

Lord *Campbell* supported the amendment. The noble and learned Lord appeared to think that this measure would introduce harmony, contentment, and happiness among the Members of the Church of Scotland, whereas it was his opinion that it would produce discord and discontent, and would do great prejudice to that venerable establishment. He felt it his duty to declare solemnly his opinion of the measure which would injure the establishment in England as well as Scotland, and instead of making the latter more popular and more respected, it would make a church which had heretofore been that of the whole population, the Church only of the minority, and induce those consequences which had been seen in another part of the United Kingdom. All he could at present do was in the most solemn manner to protest against the



measure, and wash his hands from all participation in it.

The Earl of *Aberdeen* said, that when three years ago he had introduced this measure, the noble and learned Lord then on the Woolsack (Lord Cottenham) although opposing the bill, had never hinted that it contravened the judgment in the *Auchterarder* case, and consequently he had not thought the measure open to such an objection. He was surprised that the noble and learned Lord should lately, for the first time, have started it. It could not be supposed that any political object was connected with the measure. He had the consolation of knowing that the unmitigable opposition of the noble and learned Lords had greatly commended the measure to the people of Scotland. When the measure was first introduced, he had heard comparatively but little of it; but since the opposition of the noble and learned Lords, he had received, from all parts of Scotland, letters of encouragement and approbation. Although he did not expect that the bill would bring back those Members who had already seceded from the Church, some of whom had returned, he felt certain that it would retain in the Church those who were waiting until the bill should pass into law. He contended that, if the opinions of the noble and learned Lords were acted upon, the Church of Scotland would be disestablished. Every precaution, he thought, was taken in the bill to ensure a conscientious and honest judgment being given by the presbytery. As to the apprehensions which the noble and learned Lord entertained with respect to the ecclesiastical tyranny which he thought would grow out of the measure, he confessed that he did not share them. Practically, nothing new was ordained in the bill; its principles had now been acted on for ten years, and had received the sanction of a law of the Assembly. If any presbytery should exceed its powers and reject a presentee on the ground of any objections not personal to the candidate or relating to his Ministerial gifts, the civil courts would give a remedy. In the present state of the Church, he was unwilling to anticipate the fate of that portion of it which had not seceded, but he hoped that the wise and moderate course pursued by the late General Assembly would preserve the Church from those evils which would follow on any increase of the secession.

The noble and learned Lord asked who approved of this bill; but he rejoiced to know that it had the sanction of one of the most active and distinguished leaders of the Church (Dr. Cook), and that 400 other ministers had signified their approbation of it. He could not but express a sanguine hope that, supported as the bill was by the General Assembly, unanimously, and by the presbyteries, in only one of which had there been any disapprobation of the bill expressed, and then only by an individual, it would confer a signal benefit on the Church of Scotland.

The Marquess of *Breadalbane*, taking great interest in the religious question which had so much agitated Scotland, and being intimately acquainted with the sentiments of the people of that country in relation to it, should hardly think that he discharged his duty if he did not rise in his place and declare, that he conceived noble Lords to have fallen into a very gross error, if they supposed this bill could have the least tendency to allay irritation and pacify the Church of Scotland, or to satisfy the Presbyterians of that country. Even if it had been calculated to do good, the time for it was gone—the occasion was already past; it was too late to attempt remedies after the evil had been permitted to take its course. As a Presbyterian, he had thought it his duty to secede from the Established Church, and having done so, the bill could have no personal effect on him, or on those who thought with him. They were of opinion, that the course taken by the Government in imposing conditions on the Church was hostile to the fundamental principles of its constitution; and, therefore, 500 ministers with 1,000,000 of the people of Scotland, had thought it their duty to secede from the Established Church. As one of the patrons of churches in Scotland, he felt bound to protest against the bill on general grounds, because he conceived it to be a direct transfer of the patronage of Scotland from those who held it to the Church, placing an irresponsible power in that body. Could there be a greater clerical domination than would now exist under this bill? It was not a measure constructed on the principle of non-intrusion, to enact that no minister should be appointed to a parish contrary to the will of the people, but to enact that no one should be appointed contrary to the will of the Pres-

bytery. He maintained that to be the real effect of the bill, and, therefore, he should certainly give it his most determined opposition.

Lord *Cottenham* said, noble Lords had entirely omitted to discuss the only question before the House, whether the word "declared" should stand, and the measure should or should not be one of enactment. By the act of the General Assembly in 1833, which the noble Earl told them was the foundation of this bill, the rights of the patrons were quite as much invaded, as by the Veto Act. The act of 1833 gave power to the people to object to a presentee on any general ground, not confined to his ministerial qualifications, and to the Presbytery to judge of the objection, and to reject him if they thought him unfit; so that, in fact, any objections might be made, and any judgment pronounced on them. The *Auchterarder* case decided that the rights of patrons should be respected, and if they were violated, it was immaterial whether the Veto Act, or the act of 1833 was made the instrument of doing so. If that act were valid, the General Assembly might, in fact, repeal an act of Parliament; because the act of Anne secured the rights of patrons, and the Assembly's act of 1833, with the resolutions of 1843, destroyed those rights. Was the House to be asked to pass this bill merely because the General Assembly in 1833 had thought it proper to pass an act transferring the right of patronage from the patrons to the Presbytery? If their Lordships rejected his amendment, then the question would be put on the bill passing, and he should move that the debate be adjourned to that day three months, merely to record his opinion that the bill should not pass.

Amendment negatived.

Lord *Cottenham* moved to omit words from the second clause, giving the Presbytery power to have regard to the whole circumstances and condition of the parish to the spiritual welfare and edification of the people, and to the character and number of persons by whom the objections shall be referred.

Amendment negatived.

In the fifth clause, the noble and learned Lord moved to add a proviso, reserving to the presentee objected to, "all remedies now competent by application to the civil courts."

Amendment negatived.

On the question, that the bill do pass, Lord *Cottenham* moved, that the debate be adjourned to that day three months.

Amendment negatived.

Bill passed.

Their Lordships adjourned.

*The following Protest was entered against the Third Reading.*

#### DISSENTIENT—

"1. Because the bill, so far as it professes to be declaratory, declares to be law, that which is not now the law of Scotland.

"2. Because the bill, so far as it professes to be enactive, contains provisions which confer undue power upon the Church courts, and are derogatory to existing rights of patrons.

"COTTENHAM,  
CAMPBELL,  
ZETLAND, for the 2nd reason,  
LYTTLETON, for the 1st reason,  
LANGDALE,  
MONTEAGLE, of Brandon,  
BREADALBANE,  
DUNCANNON."

Additional reasons by the Marquess of Breadalbane:—

"Because this act interferes with the concerns of the Church in a way that is inconsistent with its spiritual independence; it being unconstitutional for the Legislature to make any alteration in the government and discipline of the Church, or to prescribe the forms of the procedure of its courts, without the co-operation and sanction of the Church itself.

"Because it is a fundamental principle of the Church of Scotland, that no minister be intruded on a parish contrary to the will of the congregation; whereas, by the present bill, this principle is wholly set aside, and another, viz., that no minister be appointed to a parish contrary to the will of the Presbytery and other Church Courts, is established in its place, thus subverting an essential article of the Presbyterian Church.

"Because, by this act, both the Crown and lay patronage will be substantially transferred into the hands of the Presbyterians of the Church, thus creating an ecclesiastical domination, subversive of the principles of civil liberty, and wholly repugnant to the principles of the Presbyterian Church.

"BREADALBANE."

#### HOUSE OF COMMONS,

*Monday, July 17, 1843.*

MINUTES.] NEW WRIT.—For Durham City.

BILLS. Public.—2<sup>o</sup>. Coalwhippers; Apprehension of Offenders (France); Apprehension of Offenders (America). Reported.—Municipal Corporations (No. 2); Public Works (Ireland).

3<sup>o</sup>. and passed;—Cathedral Churches (Wales),

Private.—1<sup>o</sup>. Fox's Estate.

2<sup>o</sup>. Wilkinson's Estate; Oxnam's Estate; M'Culloh's Estate.



*Reported.*—Rochdale and Manchester Road; Crompton and Belper Road; Burry, etc., Navigation, and Llanelly Harbour; North Esk Reservoir; Jackson's Divorce.  
3<sup>o</sup>. and passed:—Dundee Harbour; Marquess of Abercorn's Estate.

**PETITIONS PRESENTED.** By Sir John Easthope, from Leicester, against the Warrants of Attorney Act.—By Mr. Forster, from Berwick-upon-Tweed, Mr. J. Heathcoat, from Tiverton, and Sir J. Easthope, from Leicester, against the Coroners Bill.—By Mr. Muntz, from Birmingham, for Relief from Present Distress, and a fixed Standard of Value.—By Lord John Russell, from the Landowners and others in the Vale of Clwyd, for a low Fixed Duty on Corn.—From Croydon, and Castle Cary, in favour of the County Courts Bill, and for Prisoners in Gloucester Gaol, against the Prison Discipline.—By Mr. V. Smith, from Northampton, for Fixing the time of Borough Sessions.—By Mr. W. S. O'Brien, from Dublin, for Reclaiming the Waste Lands of Ireland.—From Cavan, in favour of the Arms (Ireland) Bill.—From Liverpool, against the Liverpool Fire Prevention Bill.—From Glasgow, for Inquiry into the Causes of the Prevailing Distress.—From Waterford, for the Abolition of Army and Navy, and all Military Defence.—From James Baker, and others, for the use of a Prison for the Tower Hamlets Court of Requests.

**DURHAM CITY—NEW WRIT.]** Mr. *Hodgson Hinde* moved, that the Speaker be directed to issue his warrant to the clerk of the Crown to make out a new writ for the election of a citizen to serve in Parliament for the city of Durham, in the room of Viscount Dungannon, whose election has been determined to be void.

Mr. *Hume* objected to the issue of a writ until an opportunity had been afforded to hon. Members of becoming acquainted with the nature and extent of the bribery committed at the late election. The evidence taken before the committee had only been placed in the hands of Members that morning; and it was well known, that the committee had not taken more evidence than was necessary to enable them to declare the election void, and consequently the extent to which bribery had been carried by the payment of head-money had not been ascertained. He believed, that nearly all the electors who voted for the noble Lord who had just been unseated received 1*l.*; and he was also informed that, at the last general election, when a Whig and a Tory were returned, both the successful candidates paid half a guinea, or half a sovereign to each voter. He thought, that the House ought, by every means in its power, to discourage such practices; and the question was, whether the unseating of a Member was sufficient, or whether the House ought not to institute an inquiry to ascertain the extent of the bribery which had been carried on in this city during the last two or three general elections. The House had expressed a determination to

put down bribery; and if they allowed a case of this nature to pass unnoticed, they would be open to the charge of professing to condemn bribery, while they winked at its commission. When he had gone through the evidence, he should be prepared to say whether he would move for the appointment of a committee to inquire into the case; and he hoped the hon. Member would postpone his motion for two or three days, in order that hon. Gentlemen might be enabled to make themselves acquainted with the proceedings before the committee. As the hon. Member did not accede to his suggestion, he would move that the debate be adjourned until Thursday next.

Mr. *Barnard* hoped, that the issue of the writ would be postponed. He had not been able to peruse the evidence, and he understood that extensive bribery had taken place at the late election.

Mr. *Hodgson Hinde* said, that if before the committee there had been any evidence of extensive bribery, he would at once have consented to a postponement; but it appeared from the minutes of evidence that only three persons admitted having received one sovereign each at the late election. If the evidence had not been placed in the hands of hon. Members that morning, he would not now have proposed the issue of a writ; but he thought, an opportunity had been afforded to hon. Gentlemen of considering whether the evidence sustained such a charge against the constituency of Durham as ought to induce them to postpone the writ. Because three individuals had received the sum of one sovereign each for their votes, the whole constituency of Durham ought not to be deprived of a representative in that House; and if the hon. Member for Montrose pressed his amendment, he would take the sense of the House on his motion.

Mr. *T. Duncombe* thought, his hon. Friend, the Member for Montrose had made out no case for the suspension of the writ. The issue of the writ would not preclude future inquiry into any bribery which might have taken place at the last election. The exercise of the franchise was a right of too much importance to be suspended without strong and sufficient grounds. The noble Lord had been deprived of his seat in consequence of head-money having been paid by his agents, and he hoped that example would have a

beneficial effect in the case of future elections.

Sir R. Inglis thought, that unless there were such a *prima facie* case of corruption as would induce some hon. Member to call the attention of the House to the subject, with a view to ulterior proceedings, the issue of the writ ought not, in justice to the constituency, to be delayed.

Dr. Bowring wished to know whether, if the writ were issued to-day, any impediment would be interposed to future inquiry? The *prima facie* case of corruption, judging from the evidence, was very strong. It was proved that the voters for Lord Dungannon had received head-money. Indeed, the counsel for the noble Lord did not deny the fact; but felt himself compelled to acknowledge the existence of bribery.

Sir R. Peel said it had always appeared to him that, unless a very strong case was made out, the House ought not to exercise the power which, though unquestioned, was easily capable of abuse, of suspending the issue of a writ. He did not concur in the opinion of the hon. Member for the University of Oxford, that if an individual Member notified his intention to call the attention of the House to the proceedings at an election, that was a sufficient ground for the suspension of the writ; for he thought the intention of an individual Member ought not so materially to affect the decision of the House. He considered that if a committee appointed to investigate the subject of bribery—a committee which had opportunity of hearing the evidence, and of observing the manner and bearing of the witnesses—thought it necessary that further inquiry should take place, any recommendation emanating from them as to the suspension of the writ must have great weight with the House. He was surprised to find after the enactment of the bill introduced by the noble Lord opposite, that in this case head-money had been paid; for unquestionably the payment of head-money was bribery, and persons paying or receiving head-money were liable to all the consequences of bribery. The bill passed last session distinctly enacted that the payment of any sum of money to a voter, whether under the name of head-money or under any other name, should be deemed bribery. He thought, therefore, that it was wholly unnecessary to institute any investigation as to the cha-

acter of the offence alleged to have been committed at the late Durham election, for it was clearly defined by the Legislature to be bribery. Considering then that so clear a definition of this offence had been given, and considering that the committee had not expressed any opinion in favour of the suspension of the writ, he thought it would not be advisable for the House to exercise its power, in this instance, by suspending the writ.

Mr. Wallace hoped the hon. Member for Montrose would not persist in his opposition to the issue of the writ. The hon. Gentleman must be aware that an immense proportion of the Members of that House had been returned by similar practices to those for which Lord Dungannon had been unseated.

Mr. Brotherton was surprised at the assertion, that at the recent election for Durham only three persons received head-money. [Mr. H. Hinde: "On the face of the evidence, only three persons received head-money."] It appeared to him from the evidence that Mr. Salkeld, clerk to the agents, had given 200 copies of the poll-book to as many voters, each of whom received a sovereign with the book.

Mr. V. Smith said, that Salkeld was a witness on whose evidence the committee had stated they could place no reliance. The persons who had acknowledged the receipt of head-money had also stated that it had always been usual at elections in Durham to make such payments. If the issue of the writ were now agreed to, the hon. Member for Montrose would not be debarred from bringing forward the question of bribery at a future time; but he must admit, that there was some practical difficulty in the way; for while, during the suspension of a writ, a case attracted great interest and attention, immediately upon the issue of the writ that interest seemed to subside. There was at present great difficulty in obtaining proof of bribery against a Member or candidate; and it did appear strange, that after a committee had it in evidence that large sums had been paid to an election account by the successful candidate, they should declare that such an individual was not cognizant of the bribery which had taken place. When it was shown that a gentleman had paid 670*l.* 1*s.* 11*d.* to an election account, he thought he must have been morally cognizant of the fact of bribery,



for every Gentleman who had occupied a seat in Parliament must know, that the legitimate expences of an election were far below that sum.

Mr. *Liddell* believed that this was the first case in which a Member had been unseated for the payment of head-money. The practice of paying small sums as head-money, had existed in many boroughs for years, and was looked upon by the electors as payment for their loss of time. He believed the decisions of the committee in this case would have a beneficial effect in preventing the practice at future elections. He thought that the example which had been made, would have its effect on the constituency, and that the offence would not be repeated.

Lord *John Russell* said, that the hon. Gentleman was hardly correct in saying, that the payment of head-money had been constituted an offence under the late act; all that that act had done was to declare that the payment of head-money amounted to the offence of bribery, and the offence resting on such grounds was not by any means so new as was supposed. He did not think, that in the present case sufficient reasons existed for the suspension of this writ. But it was of extreme importance, that persons and voters in general should be made fully aware of the provisions of the law with respect to election committees and the offence of bribery. By the act of last Session, if any petition complaining of bribery was withdrawn, or was not *bonâ fide* prosecuted, the committee had the power of inquiring into the circumstances under which the petition was withdrawn, and if the House should think fit, that the inquiry should be continued, the committee might re-assemble and proceed to make further investigation, an agent being appointed by the Speaker. It was also the law, that if a petition were presented within three months after the distribution of money in such a manner as to constitute bribery, the House might appoint a committee which should have all the powers of an election committee. This was evidently a very much better mode of inquiry than any other which could be suggested. With regard to the particular case, he saw no reason why they should refuse to issue the writ.

Sir *C. Burrell* was satisfied, that unless some act was passed of a more general nature than at present existed, stating the

law so plainly, that no man could err except wilfully, they should never get rid of the system of the payment of head-money.

Lord *Ashley* begged to refer to the extreme importance of this decision. The committee had decided that bribery was constituted by the simple fact of money having been paid after the election, totally irrespective of any promise being made to the voter before the election, or of any proof bringing home to the candidate any cognizance of the payment. But when this decision had been arrived at, the committee, he believed, had come to the unanimous conclusion that this was not a case in which any grounds whatever existed for suspending the writ. He believed, that if the decision of the committee were generally known, much would be done towards effectually checking the pernicious system of bribery which had so long existed.

Mr. *Cobden* was at a loss to conceive how, when such acts had been proved, as had been shown to exist in this case, the House did not take such further steps as would show their desire to put down bribery; and how it was that the Attorney-General was not instructed to prosecute those persons who had been found to have been guilty of bribery. He hoped to see associations formed for the purpose of prosecuting criminally, both the briber and the bribed, and if the House did not take proper steps, he should have no hesitation in belonging to such an association.

Mr. *B. Escott* said, the report in this case had negatived the fact, that the sitting Member was cognizant of the bribery. He maintained, that upon such a return, Lord *Dungannon* was not disqualified from presenting himself again before the constituency to be returned to Parliament, for he could not be made responsible for the criminal acts of his agents. The same objection might have been urged, but was not taken, in the Nottingham case.

Mr. *Bernal* had also desired to call the attention of the House to this point. He thought, that it was extremely doubtful whether, after such a return as had been here made, the unseated Member might not be a second time returned. He thought that it would be most desirable that some mode should be adopted, by which a perfect knowledge of the law should be placed within the reach of every voter.

Sir *George Grey* should be extremely

sorry that an opinion should go abroad, such as had been expressed by the hon. Member for Winchester, and the hon. Member for Weymouth. The question to which they had alluded had been settled in the case of Mr. Harris, who had sat for Newcastle-upon-Tyne: he had been unseated upon petition, had been returned a second time, and such second return had been declared to be invalid. It would be extremely inconvenient to reopen a discussion which he thought had been long decided to the satisfaction of every lawyer.

The House divided on the question, that the debate be now adjourned. Ayes 17; Noes 145;—Majority 128.

*List of the AYES.*

Bernal, Capt.	Scholefield, J.
Blewitt, R. J.	Stansfield, W. R. C.
Brotherton, J.	Thorneley, T.
Dennistoun, J.	Turner, E.
Ewart, W.	Wallace, R.
Fielden, J.	Wawn, J. T.
Hindley, C.	Wood, E.
Marshall, W.	
O'Brien, W. S.	Hume, J.
Plumridge, Capt.	Barnard, E. G.

TELLERS.

[It seems sufficient to preserve of the division, the minority only.]

Main question agreed to.

PRIVILEGE.] The *Speaker* acquainted the House that the Sergeant-at-Arms had a communication to make to the House.

The Sergeant-at-Arms then appeared at the Bar, and informed the House that on Saturday last he was served with a notice of declaration in an action of trespass at the suit of Thomas George Johnston Pearce; that he believed such action had been commenced against him in consequence of his having taken Mr. Pearce into his custody by Order of the House and under Mr. Speaker's warrant; that he hoped he should have the protection of the House, and their direction as to the course which he is to pursue. The Sergeant handed in the notice of declaration, which was read at the Table. Matter to be considered on the following day.

CHURCH OF SCOTLAND BENEFICES BILL.] Mr. *Wallace* said that he had given the following notice:—

"To inquire of the First Lord of the Treasury, Sir Robert Peel, whether it is the intention of her Majesty's Government to endea-

vour to carry one or more bills through Parliament during the present Session (already advanced to the 17th day of July) respecting the Government of the established Church of Scotland, which bill or bills have not yet been introduced into the House of Commons, although they may have the intention, and, if carried, may have the effect of materially altering, if not that of changing the existing laws under which the rights of property in patronage to livings in the established Church of Scotland are governed, as well as the division of parishes, and the endowment of a class of clergymen hitherto unendowed in that country."

He certainly should most strenuously oppose proceeding with such a measure at that period of the Session. This measure, and the other measure to be introduced in that House, had reference, in the first place to the appropriation of property in Scotland; secondly, they interfered with the right of patronage to livings in Scotland; and thirdly to the division of parishes; all these provisions were matters of very great consequence. When the right hon. Baronet and his friends were in opposition they never would allow Lord Melbourne's Government to pass any measures relating to Scotland which were introduced after Easter, as it was always thought desirable that they should be sent to Scotland, and time allowed for considering them. He had repeatedly, as well as other Members, put questions to the right hon. Baronet the Secretary for the Home Department respecting the progress of measures relating to Scotland, and he never was able to get a satisfactory answer; he had therefore thought proper to put his question to the right hon. Baronet at the head of the Government.

Sir *R. Peel* could not acquiesce in the justice of the grounds of censure which had been passed by the hon. Member on his right hon. Friend, for he believed that no one could be more courteous in his bearing, or more anxious to perform his public duties in a way to give satisfaction to individual Members, than his right hon. Friend. With respect to the questions put by the hon. Gentleman, he would observe that her Majesty's Government had introduced a bill into the other House with reference to the Church of Scotland. This was a bill to remove doubts as to the appointments of ministers to benefices, and if it should pass the House of Lords, and be brought into that House, it was the intention of her Majesty's Ministers



to use all the influence and power they possessed in that House to induce the House to pass it. It was also the intention of his right hon. Friend near him to introduce a bill into that House to facilitate the subdivision of parishes which were too large, and also to facilitate the endowment of parishes, but he did not intend to do so out of the public funds. The bill, however, would be introduced without delay; and if strong objections should be raised to passing it into a law, in consequence of the late period of the Session, the Government would be induced to consider the force of those objections. With respect to one observation of the hon. Member, he had never heard of such a rule that no bill should be brought into that House relative to Scotland after Easter, to pass the same Session. He could assure the hon. Member not only that he had never acted on any regulation of the kind, but that he had never heard of the existence of any such regulation; nor could he admit that the absence of the Lord Advocate from the House was a sufficient reason to prevent legislation.

STATE OF PUBLIC BUSINESS.] Mr. Ewart rose to call the attention of the House to the state of public business, and the expediency of adopting some decisive course respecting it. Considering the quantity of bills now before the House, the important quality of those bills, and the lateness of the period of the Session, he thought he was justified in this proceeding. Let the public only observe the number of bills now before the House, and those in reserve, and they might expect the House to expire of a plethora of legislation. He took the Order-book, and found in it—the Coalwhippers Bill, the Factories Bill, the Municipal Corporations (Ireland) Bill, the Ecclesiastical Courts Bill, the Fines and Penalties (Ireland) Bill, two Apprehension of Offenders Bills, Hackney-coach Bills, Excise Bills, Arms Bills, and many more than he should be justified in enumerating. But he called attention, also, to the quality of some of these bills. Their length and vast importance rendered their enactment almost impossible in the present Session of Parliament. First, then, was the Factories Bill. To this bill there were two obstacles. It was his duty to apprise the right hon. Baronet (Sir James Graham)

that the objections of the dissenters to this bill were not yet removed. The remaining educational clauses of the bill involved principles which they deemed obnoxious. He was convinced that the resolute resistance already made to the more extended clauses would be renewed and repeated against the remaining ones. The factory clauses also were objected to. There was, therefore, a twofold opposition to this bill. To two other bills of great importance considerable objections would be made. He meant the Ecclesiastical Courts Bill and the County Courts Bill. They involved two principles which many Members of the legal profession thought should be decided before the bills themselves were entertained by the House. Those principles involved the question of local and central jurisdiction. On this question there was the greatest variance. The Bankruptcy Bill of last Session (so justly complained of in the country) involved a jurisdiction partly local, partly central. The Ecclesiastical Courts Bill established a central jurisdiction; the County Courts Bill a local one. On which of those three questions was the jurisdiction of the county to be based? The question should be settled before such measures were proceeded with. Instead of giving us those legal reforms, the Government urged on the Irish Arms Bill. He thought the lawyers had a right to say *Cedant arma togæ*. There was, also, a bill promised at the opening of the Session which, far from attaining its maturity, was not yet in its infancy, nor had ever seen the light. He meant the promised Poor-law Amendment Bill. On measures so important as these he thought he was justified in asking for the decision of the Government. Much had been promised in the present Session—little had been performed. Important measures had been announced, introduced, delayed, and abandoned. The House had sat unceasingly. They had only appeared to advance, without doing so. It was like soldiers beating time—all motion, and no progress. He thought it was time for Government to decide on their future line of proceeding, and he therefore called on them to do so.

Sir J. Graham could assure the House and the hon. Member that no one could regret more than he did the postponement of the public business. He did not intend to cast reproaches on any one in consequence of this; for hon. Gentlemen, in

bring forward motions which impeded the Government business, considered that they were only performing important duties which had been imposed upon them by their constituents. He might, perhaps, be allowed to mention that, with respect to the Corn-laws, the debates on that subject alone occupied either seventeen or nineteen nights. Several nights also—he did not recollect the number—which had been devoted to the Irish Arms Bill, had been taken up with preliminary discussions, so that the Government could not go on with that measure. With regard to the Factories Bill, the House was aware that, when he introduced that bill before Easter, he was anxious at once to proceed with it; but he had been induced to delay it from time to time at the earnest requests of Gentlemen opposite. The delay in proceeding with that measure was contrary to the wishes of her Majesty's Ministers, who yielded to the pressure of hon. Members, as they were anxious that the measure should receive the fullest consideration. Again, in consequence of the opposition and alarm that had been raised against certain parts of that bill, he had withdrawn the chief clauses. After this he had not thought it necessary to press this measure forward immediately, but he still hoped to pass it during the present Session. He believed that some parts of that measure deeply involved the interests of the working classes, he therefore should be most unwilling to postpone it. With respect to the Poor-law bill which he stated at the end of last Session he intended to introduce, he would only observe that he did not think that, at that late period of the Session, it would be necessary to bring it forward. Much matter involved in it had been fully discussed last year, when the Poor-law commission was renewed for five years; and although he was anxious to pass the measure, he did not conceive that it would be expedient to press it at this late period of the Session. He was most anxious however, that the Irish Poor-law bill should pass, and he hoped that, without much further delay, it would be sent up to the other House of Parliament, and would become law before the end of the Session. With respect to the Ecclesiastical Courts Bill and the County Courts Bill, he was not at present prepared to make any statement on the part of the Government, but he did not abandon the

hope of their being passed during the present Session.

Lord *John Russell* hoped, if not to-day, that at some early day the right hon. Gentleman at the head of the Government would declare what bills he intended to go on with. The right hon. Gentleman when he was in opposition, was accustomed at about that period of the Session to ask, first Lord Althorp, and more recently himself, what measures the Government intended to proceed with, and what measures he intended to postpone. At the present time there were several bills before the House of very great importance, and it would be impossible to discuss the whole of them. With respect to what had fallen from the hon. Member for Greenock, the right hon. Gentleman said, that there was a bill before the other House to remove certain doubts as to the law of Scotland with respect to the appointment of ministers to churches there. He might be told that it had been fully discussed in the other House, but he understood that the noble and learned Lords who had given such elaborate judgments in the *Auchterarder* case, namely, Lord Brougham and Lord Cottenham, had stated, that that bill was not declaratory of the present law. After the very learned judgment of those two noble and learned Lords, who were of course so fully acquainted with the matter, and after their declaration that this measure introduced a new description of law, it would be for the House to consider what should be the future law relative to the Church of Scotland. With respect to other bills, he thought that the House should be informed whether it were intended to proceed with the Ecclesiastical Courts Bill. That measure had been greatly altered since its introduction, and he had been informed by some of those persons whose arguments induced him to vote for the second reading of the bill, that it was now in such a state, that it was doubtful whether it would not do more harm than good if it were passed. Another measure was the County Courts Bill, the principle of which had not yet received any discussion in that House. With respect to the Factories Bill, he thought that upon the declaration of the right hon. Baronet that he intended to abandon the educational clauses in that bill, that the right hon. Baronet would have struck out of it all clauses which should enforce a compulsory form of education of the



children employed in the factories. That had not been done. He thought that the House should be informed with as little delay as possible, by the first Minister of the Crown, what bills he intended to proceed with, for in a very short time a great many Members would be gone into the country, and if the measures were then passed they could not be satisfactorily discussed. As for the bill for the alteration of the Poor-law, alluded to by the hon. Member, he must say that he and the other supporters of that measure had some ground of complaint against the right hon. Gentleman. When this bill was before the House last year, the right hon. Gentleman, when he postponed it, stated that he was determined at any rate to carry through the House the part of the measure for the renewal of the commission. Although as a supporter of the Poor-law Bill he was not opposed to the renewal of the commission, still he thought that such alterations should be made in the power given under it as were proposed in the bill, and which he thought, if carried, would prove satisfactory. The right hon. Gentleman then declared, that although he had been prevented proceeding with the latter clauses of his bill, in consequence of the late period of the Session, that he would, at the very earliest period of the present Session, again bring them forward. At the commencement of the Session this might have been done, for there was no great pressure of business, for all the estimates, including the miscellaneous, were agreed to, after less discussion than he ever remembered to have seen them pass with. He did not think that it was fair conduct to the House not to introduce this bill, and he also thought that the House had a right to complain of the manner in which measures had been introduced and then altered and abandoned in the manner in which they had been.

Sir *R. Peel* did not think that the comments of the noble Lord were justified by the facts of the case. The noble Lord said, that they had got through the estimates at a very early period of the Session. True, but the noble Lord did not take into his consideration the number of government days which had been given up, in order to allow postponed discussions to be proceeded with. This had very much contracted the time which otherwise would have been devoted to the discussion of Government measures. He

thought that there was a growing tendency on the part of the House to go on with adjourned debates more than formerly. It was not now considered an unusual circumstance to have prolonged debates for four or five days. If so many hon. Gentlemen persisted in arguing on the Corn-laws, or on any other subject, for so many nights, it was, of course, less in the power of Government to bring forward the measures which it had introduced, and which it was anxious to carry. The Government had performed its duty with respect to the Ecclesiastical Courts Bill and the County Courts Bill, and it must be left to the House to determine whether ample opportunities remained for the consideration of those measures. The House had sat eight or nine hours every day, and the noble Lord must be fully aware, as he had long been a Minister of the Crown, of the difficulties that a Member of the Government had in reconciling his duties in that House, with a desire to give way to the accommodation of other Members. During the present Session he could not help feeling that there had been more than the usual impediments in the way of the Government proceeding with its measures. As for the measure respecting the Church of Scotland, which would probably be sent down from the other House, he attached very great importance to it, and he thought that it was most desirable that it should pass during the present Session. He, therefore, should use all the influence in his power to induce the House to assent to it. He agreed with the noble Lord, that at that late period of the Session the Government should, at as early a period as possible, state what measures they intended to pass. He thought all the measures before the House of great importance, but they had arrived at a period when it would be necessary to consider their relative importance, and to determine which should be proceeded with. He would therefore take the opportunity of stating at a very early day what measures he intended to go on with, and also those which he should abandon for the present Session.

Mr. *Bernal* said, that the utmost discontent prevailed throughout the country at the right hon. Baronet having retained any of the educational clauses of the Factories Bill.

Sir *J. Graham* begged to say a few words. He had been charged with want

of faith, by the noble Lord, with reference to the clause relating to education in the Factories Bill, which it was proposed to retain. He would assert, that he had said nothing whatever, in announcing the changes contemplated in that measure, which justified so harsh an accusation. The clauses which he announced were to be retained, did not at all warrant the noble Lord in casting this imputation against him. The object of the clauses which he retained, was to regulate the conduct of education under the law as it now stood, and was binding upon all persons engaged in factories. The noble Lord seemed to think, that this was the first time compulsory education had been thought of, but this was not at all the case. There was no new arrangement in the clauses as they now stood, except the provision which had been introduced rendering inspection on the part of the officers appointed by the committee of education necessary before certificates could be granted to any schoolmaster. He would assert positively, that these clauses stood in the bill quite apart from the education clauses. He should take an opportunity of consulting his colleagues with reference to the propriety of proceeding with the Factories Bill this Session, and he would state the result to the House as soon as possible. He would repeat, the accusation against him of breach of faith in respect to this matter, was a most unjust, a most unfounded one. And the noble Lord, not content with making a charge against him as to the Factories Bill, accused him also, of breach of faith with reference to the announced Poor-law Amendment Bill. He would, of course, admit that there had been frequent reference to this subject, and he had been pressed to declare, that he would bring forward a continuation measure which should mitigate the rigour of the New Poor-law; but he had stated distinctly, that with hardly a single exception, the clauses of the bill which he intended to introduce, would be identical with those of the bill which became law last Session. He added as distinctly, that he believed the stringency of that measure, as it now stood, was essential to its efficacy, and that he was not prepared to depart from the principle of that measure. He added, further, that the details of the contemplated measure would be the same as those which were omitted from the former

bill, more especially with respect to the Gilbert unions, which he proposed to abolish. He had reason to believe, that the proposal for abolishing those unions was one, which, as on a former occasion, would lead to protracted debate. The hon. Member for Derbyshire, for instance, who in the last Session, showed himself most opposed to the abolition of these unions, had, in the present Session, when the hon. Member for Evesham gave notice of a motion pressing the New Poor-law Amendment Bill on the Government, given notice, as an amendment on that motion, that he should move, that such a measure be not proceeded with this Session, if the Gilbert unions were to be affected. It was most painful to him, that the noble Lord should have thought it consistent with, nay something more than consistent with, imperative upon him in the discharge of his duty, to impute to him conduct so unworthy. The accusation which had been thrown upon him was a most painful one, coming from such a quarter; but the pain he felt was greatly mitigated by the consciousness that he had in no degree deserved the charge. He deeply regretted, however, the bitterness of feeling which had been manifested on the part of the noble Lord.

Lord J. Russell explained, that after the declaration which had been made on a former night by the right hon. Gentleman, the House had a right to expect, that all the clauses with reference to education should be omitted from the bill altogether. He had certainly expressed this opinion, and he adhered to it; but he did not remember that he had accused the right hon. Baronet of a breach of faith. As to the compulsory nature of these clauses, he had not said, that compulsory education was being introduced for the first time in this bill; he had on the contrary, frankly admitted that these compulsory provisions were founded on the existing law.

Mr. Hume said, there could be no doubt, that out of doors the general opinion was, that the right hon. Baronet intended the withdrawal of all the clauses respecting education. The right hon. Baronet greatly deceived himself if he thought the paltry alterations he proposed would satisfy the people. His only efficient plan would be, to withdraw the measure altogether, and prepare another



of a more comprehensive and liberal character. There was every disposition to make allowances for the difficulties which Government had to contend with in carrying a really good measure upon this subject, but there was just reason to complain of the manner in which the right hon. Baronet and his colleagues sought to force upon the House measures of the most unconstitutional, and, in every point of view, objectionable character. While they made no effort to carry forward measures of a popular and useful description, such as the County Courts Bill, and the amendment to the New Poor-law; the Arms Bill, that most unconstitutional and oppressive measure, was forced upon the House, to the loss of many a night. As the Opposition would not suffer them to do gross injustice to Ireland without a check, Government seemed determined to do no good for any part of the country.

Mr. *T. Duncombe* was glad, at all events, to find that the Gilbert Unions were not to be interfered with this year. He would suggest that the pruning knife which Government had lately been using so vigorously, could not be applied to a better purpose than in cutting down the Ecclesiastical Courts Bill. They might rely upon it, there was no measure which would give them so much trouble as that, if they persevered with it. Their own Lord Chancellor said, he would not sanction it at this period of the Session. As to the Arms Bill, no Amendments the Government or the Opposition could introduce into it would make it otherwise than most exceptionable.

**ARMS IRELAND BILL.]** House in Committee on the Arms (Ireland) Bill.

The committee resumed the consideration of clause 24.

"Justices, &c. may enter houses on suspicion of persons having arms unregistered, &c."

Mr. *Bernal* repeated the objections which, on Friday night he advanced to the provision which gives power to a single magistrate to search houses for arms, and moved the following Amendment, page 11, line 17, after the words

"Be it enacted, That (to insert these words) it shall be lawful for any two justices of the peace within their jurisdiction (upon information given to such justices on the oath of one or more credible witness or witnesses, that, to the best of his or their knowledge or belief,

any person is unlawfully in the possession of arms, or that any pikes or pikeheads are in any house or place, but not otherwise), to search for arms, pikes, or pikeheads, in the house or premises of any person, or in any house or place, mentioned in such information; and in case admission shall be refused, or not obtained within a reasonable time after it shall have been demanded, to enter by force into such house and premises, and every part thereof; and if any arms shall, upon such search, be found in the possession of any such person, not having a license to keep the same, or whose license shall have been withdrawn, or who shall not be lawfully in possession of such arms by permission of the person licensed to keep the same; or if any arms shall be found in the house, grounds, or premises of such person not specified in his license, or not being lawfully in the possession of some person licensed to keep the same, or of some other person by his permission; or if any pikes or pikeheads shall be found on such search, to seize and carry away the same for the use of her Majesty."

After a protracted conversation the committee divided on the question,  
"That those words be there inserted."

Ayes 46; Noes 91: Majority 45.

The House resumed. Committee to sit again."

**WOOL DUTIES.]** On the question that the Order of the Day for a Committee of Supply be now read,

Mr. *C. Wood* said, that he rose, in pursuance of an arrangement with the right hon. Chancellor of the Exchequer, to move, by way of amendment, the resolution of which he had given notice—

"This House will resolve itself into a committee to consider so much of the Act 5 & 6 Vict. c. 47, for the better regulation of the Customs, as relates to the duties on the importation of foreign sheep and lambs' wool."

He believed that it would be convenient that, at the outset, it should be understood that his motion implied a reduction of duty, and he thought he should be able to show that the duty on foreign wool was one which ought to be reduced. If any objection should be raised as to the late period of the Session at which he brought forward his motion, he begged to observe that it was totally out of his power to bring it forward earlier. In the first place, so long as he thought there was a hope that her Majesty's Government would themselves reduce the duty, he was anxious not to interfere with any motion of his own. But from the time that the financial statement was made by the

Chancellor of the Exchequer whereby any hope of that kind was dispelled, he had in vain endeavoured to bring the subject on earlier. He had postponed his intended motion once in compliance with the desire of that right hon. Gentleman, and once upon a question of privilege, so that this, in fact, was the earliest moment when he could bring his motion forward. Late as the period now was, he thought he should ill perform his duty if he abstained from bringing forward a motion upon the subject, particularly as a large number of the manufacturers and artisans in the county with which he had the honour of being connected had been losing their capital and employment, and sinking year after year, in consequence of the decline of their trade. They had now no other authority to which they could appeal but this House—to whom he hoped the appeal would not be made in vain. He would not say that there were not other trades which were in a depressed state, and other import duties which ought to be reduced, but there were circumstances connected with the duty on wool which rendered it indispensable for the House to deal with it, even if they were not prepared to enter generally upon the subject of the import duties. He was aware that a proposition of a similar nature with respect to the coal duties had been submitted to the House in the course of the present Session, and rejected by her Majesty's Government; but the circumstances of the two cases were widely different. It was argued with respect to the coal duties, that the act had been so short a time in operation, that it was impossible to form a fair opinion of its effect. He did not admit the soundness of the arguments, but they did furnish grounds for the temporary answer of the President of the Board of the Trade. No such grounds existed as to the wool duties. The decline of the woollen trade, he was sorry to say, had been of long standing; ever since the increase of duty in 1819, the trade had been steadily failing, he had some hope, however, from the course which the Government had pursued in another question. He had seen with great pleasure that her Majesty's Government, in the case of the Irish Spirit duties, had spontaneously abandoned them the moment they found that they did not answer the expectations which were held concerning them, without waiting for any motion in this House.

Now, with respect to wool, let them see how the argument of productiveness told. In 1841 the produce was 129,000*l.*; in 1842 it was 94,000*l.*, being a decrease in one year of between one-quarter and one-third of the whole amount. When such a deficiency as this showed itself in the produce of a duty, the only wise course was to meet it, as the Government had done with the spirit duties, by a large reduction in the rate of duty. He would now state the grounds for such reduction as concisely as he could. With regard to the papers which had been furnished to the House on the subject of the wool trade, he would just observe that there were some facts connected with the trade which might occasion hon. Gentlemen, without explanation, to draw a false inference from these returns. In the first place, a large portion of the articles included in that return were partly composed of cotton, so much so, that they might just as well be entered cottons as woollens. The returns included also worsted goods, which were a separate manufacture altogether, and the contrast between the worsted and woollen trade was most remarkable. The woollen and worsted manufactures were carried on in the same neighbourhood, assuming Leeds and Bradford as the chief seats of each, within ten miles of each other, with the same advantages of coal, skill, and capital. The raw material of both was wool; but the one was short or carding wool, the other long or combing wool. The one was grown at home or came from our colonial possessions, and paid no duty; the other came from foreign parts, and paid the duty which he was now about to propose should be reduced. The trade in woollens was failing year after year, whilst that in worsted was as steadily increasing. There was no difference between the two trades, except in the duty, and the inference was inevitable, that to the duty in a great degree, the depression of the woollen trade must be attributed. He was aware that he might expect opposition from the British wool-grower, and indeed at a great wool fair the other day, one of the Members for Hertfordshire, admitting the distress of the manufacturers of woollen goods and their consequent inability to buy British wool, concluded his address by announcing his intention of opposing any motion for giving facility for the introduction of foreign wool. This was a most fatal



mistake. The British wool-grower had either no interest in the matter, or a decided interest in favour of the import of foreign wool. First, as to the grower of long wool: almost all the wool grown in England was now classed as long wool. Now the manufactures in which long wool is used, are the worsted manufactures, which are increasing year after year. Besides this, the quantity of British wool exported is rapidly increasing. The exports of British wool were in 1827, the year before the duty was taken off, 278,552 lbs.; in 1835, 4,642,604 lbs.; in 1841, 8,471,235 lbs.; and in 1842, 8,578,691 lbs. The exports of woollen yarn were in 1835, 2,357,336 lbs.; in 1840, 3,796,664 lbs.; in 1841, 4,903,291 lbs.; and in 1842, 5,062,401 lbs. So far, therefore, as English-grown wool was concerned, the exports had increased thirty fold in the last sixteen years, and were still increasing. The producers of long wool, therefore, had nothing to apprehend; they were reaping the full advantage of the repeal of the export duty. The producers of short wool had a direct interest in the reduction of the import duty, as the introduction of more foreign wool afforded the best prospect of raising the price of their own. In order to prove this, he would refer them to the evidence of witnesses, gentlemen in the wool trade, taken before a committee of the House of Lords in 1828. One witness (Mr. Goodman) stated, that if the present duties levied upon foreign wool should be discontinued, the change would be decidedly advantageous to the trade, and would raise the price of British wool. Another witness (Mr. Nussey), also stated that if the 1*d.* per lb. duty upon foreign wool were taken off, the effect would be a rise in the price of British wool; and Mr. Brooks gave evidence to the effect, that a free trade in foreign raised the value of British wool. These gentlemen had experience to guide them in forming their opinions. They had experience of the fact, that when the duty of 6*d.* had been reduced to 1*d.* per lb., the result was a rise in the price of English wool. The clearest evidence of this existed: Mr. Hughes, a wool broker in London, said before the said committee, that "It was extraordinary, that when the duty was taken off foreign wool, British wool rose in price." The reason why, when the duty on foreign wool should be taken off, the prices of English wool would rise, could be easily explained. In order, it

seemed, advantageously to work up English short wool, it was necessary to mix it with a certain portion of foreign wool. In the committee upon the subject in 1828, Mr. Cooke, a manufacturer of Dewsbury, stated that they could not use the British wool without the aid of the foreign wool; and that the admixture tended to increase the consumption of British wool. He might quote much more evidence to the same effect, but he would only appeal to the hon. Member opposite (Mr. Shephard,) for further confirmation of this statement. In all the finer species of cloth it was indispensable either to use foreign wool altogether, or to use a portion of it mixed with British; and therefore, if hon. Gentlemen opposite wished to promote the sale of short wool grown in this country, they should support the importation of an additional quantity of foreign wool, in order to enable the manufacturers to work up home-grown wool for sale in this country and abroad. The long wool-grower, he contended, was independent of any alteration in the duty; and it was for the interest of the short-wool grower that the duty on foreign wool should be diminished. He would now show the state of our woollen trade: the trade with which he had principally to deal upon this occasion was the manufacture of woollen goods, the main part of the raw material of which was fine wool imported from abroad. The returns showed an enormous falling-off in the exports of manufactured goods made from this wool. He would quote the official returns, to show the rapid state of decline in which this trade was. Taking the average of five years, ending with 1838, the number of pieces of woollen cloths of all sorts annually exported, was 560,000; in 1839, the number was 392,854; in 1840, 215,746; in 1841, 213,125; in 1842, 161,675. In the case of napped coatings, taking the average of the same five years, the number of pieces exported was 20,000; in 1842, it was 8,433. Then as to baize, the average of five years, ending in 1838, gave an export of 44,000 pieces; in 1842, the number was 24,000 pieces; and in blanketing, the average of the five years ending 1838, gave an export of 3,000,000 yards; while in 1842, the number was 1,391,000 yards. This was a falling-off unexampled in the history of manufactured goods. He would now show what was the case with other trades in similar

circumstances with the woollen trade. He would take, for instance, the woollen and worsted trade. The exports in this trade in

1821 amounted to . . .	1,078,428
1841 . . . . .	2,007,366
1842 . . . . .	1,979,492

Of mixed cotton and woollen goods, the extent of exports in

1821 amounted to . . .	627,800 yards.
1841 . . . . .	5,015,087 "
1842 . . . . .	6,950,010 "

Let the House compare the state of these articles of manufacture with the woollen trade. Both of the latter employed wool; they were all carried on within a few miles of each other; they enjoyed the same advantages with a single exception of the duty; the latter branches had increased to an enormous extent, while the woollen trade had experienced as great a falling-off. Then take the case of cotton goods; in

1839 the value of exports in the cotton trade amounted to	£24,550,000
1840 . . . . .	24,668,000

In linen goods the quantity exported in

1839 was . . . . .	85,256,000 yards.
1840 . . . . .	89,373,000 "

In linen yarn the exports amounted in

1829 to . . . . .	16,314,615 yards.
1840 . . . . .	17,733,375 "

He had shown the increased export of these latter articles up to the year 1839, when he brought forward the same motion last year, and he now carried the statement up to the last period to which Mr. Porter's returns extended. Appalling as was the statement of the falling-off in the woollen trade, that statement became more appalling when they looked to the exports of woollen cloths from foreign countries. The exports of Prussian and French cloths were increasing, as those of our own manufactures were diminishing; and thus in America, and with our other customers, English cotton and linen goods were not superseding English woollen goods, but French and Prussian woollen goods were superseding English woollen goods. Take the case of Prussia; the value of woollen goods exported from that country in

1833 was . . . . .	46,395 centners.
1840 . . . . .	62,733 "

From France the exports of similar goods amounted in value, in

1833 to . . . . .	£1,466,520
1840 . . . . .	2,444,000

The value of English woollen goods exported to certain countries, of the markets of which Mr. Bischoff states that we once had the exclusive possession, was in

1833 . . . . .	£3,648,040
1840 . . . . .	2,153,132

While the value of the goods of a similar description exported to those countries by France, amounted in

1833 to . . . . .	£554,040
1840 . . . . .	1,064,980

Thus our exports to certain countries had fallen off from three and a-half millions to two millions, while from France they had increased from half a million to one million. The exports of cloths manufactured here to these same countries, amounted, in

1833 to . . . . .	352,988 pieces.
1840 . . . . .	104,000 "
1842 . . . . .	70,000 "

Such was the state of our exports in the woollen trade, and the only reason why the same trade in other countries flourished was, that they possessed the raw material of manufacture cheaper than we did. No one would affirm that their skill or their capital were greater than ours, or that every advantage in manufacturing was not upon our side. He believed that effective labour was as cheap here as abroad. He knew of no difference in the circumstances of the trades in their favour, except the cheapness of raw material. That they had, and it was impossible to take it from them; but at least it was most impolitic to add to these advantages in their favour by the imposition of a high duty upon the importation of the raw material into this country. That we owed the falling-off which had been experienced in the exports of woollen manufactures to the duty imposed upon the raw material might be inferred from the falling-off in the import of foreign wool. Confining himself to wool paying 1d. per pound duty, he found that taking the last five years, the quantity imported was in

1838 . . . . .	32,297,000 lbs.
1839 . . . . .	26,795,000 "
1840 . . . . .	24,274,000 "
1841 . . . . .	22,052,000 "
1842 . . . . .	17,052,000 "

This showed a falling-off of almost one-half within the last five years, and if they took the imports of German wool,



they would find that they had fallen off in the same proportion. As to the fine wool, of which cloths were made, the quantity imported was diminished in extent to one-half, and in other manufacturing countries their imports had increased as much as ours had fallen off. He would state the case of the German Union. In 1834 the exports exceeded the imports by 41,017 centners and in 1840 the imports exceeded the exports by 35,261 centners—making a difference of 76,278 centners. The centner was equal to about 103lbs. English weight, and the increased consumption of wool in these states, supposing the production not to have increased, was upwards of 7,800,000lbs. But the produce of wool in these countries had not been standing still. In Prussia the increased produce of wool during the same time amounted to 81,304 centners or 8,000,000 lbs. and upwards. He did not know what the increased produce in the other States of the Union might be: but at any rate he had shown an increased consumption in Germany of more than 15,000,000lbs. In the same way in France; the quantity of wool imported into France was, in 1830, 7,214,000 kilogrammes; in 1840, 13,456,000—showing that the import had nearly doubled within seven years. Prussia, he would observe, had no duty to pay upon its wool. Belgium had only a very small duty to pay. The French paid a duty, but it was compensated by a bounty given upon it after exportation. Belgium, Prussia, and France, therefore, had this advantage over us, and no other, that they had their raw material either totally free from duty, or only burthened with a duty counterbalanced by a bounty, or one much less than was paid by the manufacturer of this country. Now, if they looked at the quantity of wool imported which paid no duty, they would find the importation of that kind of wool as steadily increasing as the other was diminishing. Take the last five years. The quantity of colonial wool imported into this country was in

1838	.	.	.	10,000,000 lbs.
1839	.	.	.	12,864,000 "
1840	.	.	.	12,848,000 "
1841	.	.	.	16,310,000 "
1842	.	.	.	18,360,000 "

This was the extent of the importation of wool free from duty, and the House would see that it had steadily

increased. Again, he was far from saying that the cotton trade was in a flourishing condition, or that it would not be expedient to reduce the duty paid upon the raw material of that manufacture; but the import of cotton wool had steadily increased. The quantity of cotton wool imported in 1841 was 3,931,226 cwt.; in 1842 it was 4,265,336 cwt. The import of raw material of that manufacture had thus been increasing even through the last year of distressed trade; while, during the same period, the import of sheep's wool had gradually diminished. He hardly knew what further facts were necessary to make out his case. The result of the state of things which he had been describing was an enormous depression of trade in Leeds, the chief of the woollen manufacturing towns. There might lately have been some slight revival, but he was sure that those who knew the state of Leeds best would not say, that they believed that that improvement in trade was anything of that firm and steady nature which would induce them to hold out a hope that the woollen trade had permanently revived. Far from it. He would give some evidence of the stagnation of trade in Leeds during the last year. There were in Leeds 635 "gigs"—a species of machinery used in finishing cloth. During the greater part of last year, 381 of these gigs were standing still altogether, absolutely not working at all, while 254 only were running, and these were not running whole work, they were only running four days and a half in the week, while the work furnished altogether was not equal to three days per week with the whole number. An immense number of people were, of course, in such a state of things, thrown out of employment, and he might mention that 434,000*l.* was paid less in wages during 1842, than in a year in the ordinary state of trade. He found, too, that in 1832 there were twenty-four houses exporting woollen goods to the Continent, while in 1842 there were only eleven such establishments. The former employed about 25,000, the latter about 3,000 workmen. After the facts which he had stated, he did not know how he could push demonstration further. He had shown the steady decline of the woollen trade. He had shown the contemporary increase of other trades, placed in similar circumstances, with the exception of the duty, to the woollen trade. He had shown

that our greatly diminished woollen exports had not been caused by other fabrics, the produce likewise of this country, supplanting them. He had shown that if foreign countries took less of our woollen goods, it was not because they purchased more of other species of our goods, but that it was because they took a greater quantity of woollen goods from foreign manufacturing countries. The woollen cloths these countries took were now manufactured in Prussia, in Belgium, and France, instead of in this country. He repeated, that there was no difference in the circumstances of the manufacturers of the different countries which could account for this difference in their prosperity, except the duty paid in this country upon the raw material, and under these circumstances he did call upon the House, if they were anxious to save the woollen trade—if they were anxious to save the old staple trade of the country—to interfere, and express an opinion that the duty levied upon the raw material should be diminished. There were no means of increasing the prosperity of the trade except by diminishing the duty; and he trusted he should not call in vain upon the House to apply that remedy which it was in their power to adopt—the only remedy which parties interested called for or advised—the only remedy which any man in that House could suggest, in order to relieve the trade from its depressed position, and restore it to its former condition. His proposal at present was, simply to go into committee upon the subject; he could not, owing to the forms of the House, bring forward a definite proposition at once; but what he should propose, in case of a committee being granted, would be to carry out and execute that understanding made with, and expectation held out to, the manufacturers, when the export duty was reduced, that the import duty should be reduced to 1s. per cwt., the amount of the export duty. When the manufacturers consented to the reduction of the duty on the export of British wool, it was always held out to them, that the agriculturists would agree to the proposed reduction in the import duty upon foreign wool. The reduction of this duty was held out to the manufacturers by Lord Bathurst, Lord Liverpool, and the Earl of Ripon, the last of whom said, as plainly as man could say, that the view which Government

always took of the matter was, that the duty on the export and import of wool should be the same—this was the view which the Government of that day had always taken of it. In 1828, Lord Bathurst said, that he did not hesitate to admit the justice of the claim. He said, however, that the Government could not then make the reduction on the import: that they reduced the duty on the export as a boon to the wool-growers in their distress, but that they must postpone carrying out the recognised principles of equality till a more favourable opportunity. He trusted that the favourable opportunity was now come. The House was aware of the state of distress which prevailed in the woollen manufacturing districts. In Yorkshire, in Wiltshire, in every place where wool was manufactured, he appealed to any Member connected with or knowing anything of these districts, whether for years back the manufacturers had not been in that state of permanent and lasting distress which gave them grounds for appealing to this House—for thinking that the time was come, that the opportunity had arrived, when that should be done for them in their distress which was done for the home wool-grower in his distress—when the principle of equality, long recognised, should be at length carried out, and the import duty reduced for the manufacturer as was the export duty reduced for the agriculturist? No measure could be adopted more fraught with benefit to all classes, to those who grew, and to those who wore the wool. The circumstances of the woollen trade were singular. The producer would derive as much benefit from the reduction of the import duty as would the consumer. There was no person who would not be benefited by any increased importation of foreign wool, and it was the interest of all parties to see this duty reduced. He did not suppose that Government would deny any of the statements which he had made, but he supposed that he would be met by the objection, that they could not spare the produce of the duty upon foreign wool. Now, in the first place, he thought that, after the statements which he had made of the distress which prevailed in the woollen manufacturing districts, he was entitled to expect that there would be a considerable increase in the amount of duties paid upon articles of consumption, consequent



in another species of goods—those made upon an improved state of trade. To what amount this increase might extend, it was impossible for him to say. He might be told, as the noble Lord, the Member for Sunderland, had been told before, that to expect an increase of revenue from articles of consumption, consequent upon an improved state of trade, was a mere truism which should not be stated to the House. He did not, however, know that the value of an argument was diminished by its being so undeniably true. He allowed, that it was a perfect truism; but he was glad that he agreed so entirely with the Government in principle, and now he only wanted the Government to act upon their own principles. The principles on which they advocated the alterations of the tariff were most sound ones—that the reductions of duty were calculated to give a spring to trade. Let them act on these principles now. Here was a trade in the lowest state of depression—a remedy was in their power; and if ever there was a case in which it was necessary to give a spring to trade, it was in the case of the woollen trade; and he called upon them to do it. But if the argument be true, that increase in consumption was the result of restored trade, the converse must be true, and it followed from thence, that there was at present a loss to the revenue from the want of consumption of articles of Customs and Excise: and then came the question, whether that admitted loss was counterbalanced by the produce of the woollen duties? And if the House adhered to the duty which Government were so anxious to preserve, they would find in it little compensation for the admitted loss. Under the management of Government, the woollen duty was falling-off nearly as fast as if it was at once repealed. He would state the produce of the duty for the last five years upon the wool on the importation of which 1*l.* per pound was levied. The amount of that duty was, in 1838, 135,000*l.*; in 1839, 112,000*l.*; in 1840, 105,000*l.*; in 1841, 97,000; in 1842, 76,000*l.* The trade, it appeared, was falling off, the imports were diminishing, and all this for the sake of a revenue which was going as fast as the trade. They might as well do something to save the trade, although they should lose the revenue, but at present they were losing the trade and reve-

nue together. His hon. Friend, the Member for Kendal, would state the case as to low-priced wools to the House, but he would refer for a moment to the produce of the duty on wool admitted at the lower rate. The importation had increased to its highest point, and was now falling off. The duty on the imports of this article had been, in 1841, 31,000*l.*; in 1842, 18,000*l.* Now really, that they should undergo the effect of these measures—that the manufacturers should be losing their capital, and the workmen their employment—that this state of distress should be endured for the sake of saving a revenue, when the revenue was melting away as fast as the trade, was beyond the comprehension of any man of common sense. But he was prepared to run some risk. Looking at the falling-off in the produce of the duty which had already taken place, and the probable increase of consumption of articles paying duty to the Customs or Excise, which would certainly arise if prosperity was restored to the woollen trade, he should over-estimate the loss to the revenue from his proposal, at 50,000*l.* The Government had made larger sacrifices, and for less important objects. They had sacrificed more than 600,000*l.* on the timber duties, with no prospect of a result so beneficial to this country, as by a less sacrifice of duties payable on the raw material of our manufactures, or on articles of food and consumption for the people. They had sacrificed revenue by the Canada Corn Bill for the sake of the Canadians. If we made sacrifices for our colonial possessions, let us do something for our own manufacturers and artisans, by a sacrifice not one-twelfth so great as the Government anticipated on the timber duties, the actual reduction being greater than was anticipated. Whatever reduction might be made was demanded by the state of trade, and the sacrifice being at any rate but small, was such as it became the House to make for the sake of the woollen trade of the country, which was in a state of gradual and steady decay, and for the sake of masses in the community who were in a depressed and almost starving state.

The *Chancellor of the Exchequer* said, that of all the difficult and painful duties which fell upon the individual who filled the office which he had the honour to occupy, none was so difficult or so painful as the necessity of refusing an ap-

peal for the reduction of particular duties. Whatever might be his opinion on this or on that tax, he was ready to admit that taxes were an evil, though they were a necessary evil; and it required no ingenuity—none at any rate of the powers exhibited by the hon. Gentleman, to show that every tax imposed on the trades to which it applied, caused difficulty and embarrassment. And if, therefore, the House, on every motion of the present nature, were to yield to able statements of the inconveniences which arose from a particular tax—and if they treated lightly not merely the repeal of that individual tax, but the application of the same statements to all other taxes, and if they did not consider the necessity of the country to obtain an adequate revenue, they would piecemeal surrender every tax which had ever been imposed to maintain and to meet the expenditure of the country, and expose it to irretrievable financial embarrassments. The hon. Gentleman had stated, and had stated correctly, that his opposition to the present motion would be founded upon the general ground of not diminishing the revenue of the country. He had formerly stated to the House, on the occasion of introducing the Budget, that the financial state of the country would render a compliance with the motion of the hon. Gentleman quite impossible. Under these circumstances it would not be necessary for him to follow the hon. Gentleman into all the details he had brought forward on the subject. It would not be necessary, because his resistance to the motion did not rest on the particular circumstances of the case, but upon the general circumstances of the country. He would, however, make one or two statements which would throw some light upon the present question, and which, he thought, would put in rather a different point of view from that in which it had been presented by the hon. Gentleman. The hon. Gentleman urged a repeal of the duty because he stated that there had been a falling-off in the amount of foreign wool imported into the country. The hon. Gentleman was correct in stating, that there had been a falling-off, but all the papers before the House showed, that of all the imports none was of a more varying and fluctuating character than the import of wool. The hon. Gentleman had supposed that the falling-off in the amount of the imports during the last two or three

years had arisen exclusively from a duty which had been imposed as early as in 1824. If they looked throughout the period, they would see that there had been continual fluctuations ever since the original imposition of the duty, and that the great falling-off of the last two or three years must be attributed to circumstances other than the amount of the duty. The hon. Gentleman stated, that the amount imported had fallen in the last year to 26,000,000lbs., and that in the year before last it was 36,000,000lbs; but if he looked back as far as 1836, he would find that in 1836 the amount received was 56,000,000lbs; and that in 1835 it was only 33,000,000lbs., making a difference of 22,000,000lbs. But when they were considering the progressive decrease in the importation of foreign wool, they ought to remember that there had been an increasing consumption of colonial wool; and though the hon. Gentleman applied his statement generally to short wool, and the colonial wool was generally long wool, yet he would admit that that part of the colonial wool was short wool, and that it came in substitution of the foreign wool; and so the total amount of foreign wool imported did not exactly represent the state of the trade in this country. In the colonial wool there had been an increase of from 6,000,000 to 18,000,000 in the time, during which the foreign had decreased from 33,000,000lbs. to 26,000,000lbs. It was true, that the colonial wool paid no duty, whilst the Prussian wool, to which the hon. Gentleman principally alluded, paid a duty of 1*d.* per lb.; but the hon. Gentleman should consider that the one came from the antipodes, whilst the other came from a country with which England had the cheapest and most convenient intercourse. If the charges of the one were placed against the charges of the other, they would find that by the time of their arrival in port they stood upon nearly an equal footing. But there was another reason for the decrease in foreign wool. In Prussia, there was an export duty of 6*s.* per cwt., and if they cast off the 1*d.*, or the  $\frac{1}{2}$ *d.* per lb., the Prussian Government would take care to place upon the wool of that country a restriction equivalent to such a reduction. With respect to the falling-off of the imports, there was another thing which would go far to explain it. There had been an enormous increase of cotton and wool mingled—and with



that enormous increase was it not reasonable that the taste for the one article had superseded the taste for the other, and did not their own observation confirm this? Take their own country. Did they not see every peasant who had formerly been dressed in broadcloth, now wear some manufacture of cotton? Fustian had superseded cloth. The hon. Gentleman had further stated that he grounded his claim on a promise given in 1828, that, as there had been a reduction of the exports duty there should be a reduction of the import duty also. Now, if the operation of the duty for the last fifteen years had been so distressing to the trade, there had been many opportunities for considering it on the part of Governments holding various opinions on politics and on trade, and yet no one had conceded a remission of this duty — and the promise had been quite as binding then as now. So without any impartiality as far as this duty was concerned — for he confessed that in his opinion taxes upon raw produce were generally inexpedient — if he resisted the motion, he resisted it on the ground which he had stated last session, and that ground was now strengthened by existing circumstances. He had had occasion not long since to bring forward the financial statement of the present year, and the financial prospects of the year to come. He had presented fully and fairly to the House the difficulties by which they were beset, and he had had the disagreeable task of informing them of an arrear to be made up in the ensuing year. He had stated also, that he forbore from making any especial provision for that arrear, under the impression that the House felt the necessity of retrenchment in their expenditure — the impossibility of reduction in their revenue. The hon. Gentleman certainly stated that the sum was small, that it would cost the country a sum less than 100,000*l*. On that point he differed from the hon. Gentleman. There had been previous years when the amount of duty had fallen to 96,000*l*., and when it had immediately risen to 130,000*l*.; and because this year the amount received was below the averages, he was not prepared to reduce the duty. If they proceeded on that principle, they must be prepared to abandon the duty altogether. But his objection did not relate to this duty alone. There were other duties which must follow in its train. They had already had

the question of the coal duties before them. The House had agreed not to diminish the revenue by a reduction of that tax; and he trusted that on the present occasion, acting upon a corresponding principle, they would adhere to the present duty. His hon. Friend the Member for Lincoln had given notice of a motion with respect to fire insurances. His hon. Friend stated with great confidence, that he should be enabled to make out an irresistible case for reducing the duty; and with his ability, no doubt, he would make a very plausible case; but he intended to oppose his hon. Friend's motion, as he opposed the present motion, and upon the self-same ground. The present was not the first time on which they had been called upon to decide the question. In the last session the Government had reduced the duty upon imports, and the whole import duties had undergone the revision of Parliament. The hon. Gentleman had then brought forward his motion with regard to wool. Another hon. Gentleman had brought forward the duty on cotton, and other hon. Gentlemen had brought forward other articles which they thought entitled to a reduction; but when the whole subject had been before the House, and they had been settling the various items of the tariff, they had made a selection of other articles, and had rejected the motion of the hon. Gentleman. And, if then, when they had had the whole question before their view, they thought fit to reject the motion, *à fortiori*, he thought they would not be disposed to adopt it now, when no substitute was offered in its place. He would not enter on the subject of the timber duties, as the House had already decided upon that question, and it could not now be necessary to re-open it. He believed that the tariff of last year had shown to the House and the country that the Government were not insensible to the relief of the various national interests. With respect to the superiority of French cloth as regarded the export trade, it should be recollected, that the French government gave a bounty on the export of cloth; and to this alone was owing the superiority they possessed. On the whole, then, when he considered the reductions that had already been made in duties on various articles, and when he considered the state of the finances of the country, he could not do other than give a negative to the motion of the hon. Gentleman.

Mr. *W. Williams* was sorry that this motion was confined to sheep's wool, for he considered that the duty upon cotton wool was still more injurious to the trade of the country. The duty amounted to nearly eight per cent., and he was sure the House must see the importance of relieving the raw material from taxation as much as possible. If not reduced to a nominal amount, it should certainly be reduced to the amount stated by the right hon. Baronet at the head of the Government of last year. It would soon be found that the export of machinery would make a material change in the trade and manufacture of cotton in this country; but if you remove the duty, this country could compete with all the countries in the world.

Mr. *Sheppard* was understood to say, that he was sure neither the manufacturers nor the wool growers could prosper under the duty, or would be injured by its abolition. He had foreseen and predicted that the former reduction in the duty on wool would be attended by a rise in the price, of English wool, and so it had turned out. The wool-growers had been as much benefitted by that reduction as the manufacturer. It enabled the latter to work up the English wool with foreign wool which they imported, and without which the produce of our own flocks could scarcely be used. With respect to our manufacturers, they laboured under great disadvantages in consequence of the present duty. Before the close of the war such duties were of comparatively less importance, owing to the great superiority of our machinery, but since the peace and since a free communication took place between the continent of Europe and England, we had lost that peculiar advantage. The Germans, and particularly the Prussians and Belgians, had made use of our machinery and our system of manufacturing, and they were now enabled, he was sorry to say, to make many articles better than we were, and to send goods to the United States of a finer quality, and at a less cost than we could produce. The French were pursuing the same course with similar advantages, and underselling us in the foreign market. He was of opinion that our manufacturers ought to have the advantage of mixing our own Southdown wools with German wools at the lowest possible price. The Prussian manufacturer had now the advantage of our machinery, and he obtained the raw material 7 or 8 per cent. lower than our manufacturer.

To allow our manufacturer fully to share his advantages was the only method by which a fair competition could be restored, and by which English wools could attain remunerating prices. To show how much the English trade had decayed, he would mention, that in the year 1836, 619,000 pieces of cloth were exported, and in 1843, now that Germany had got our system, the number had fallen to 160,000 pieces, about one-fourth of the previous quantity. Whilst Prussia had increased her export of woollens from 46,395 cwts. in 1833 to 62,773 cwts. in 1840, and France had increased her exports to the United States alone, which stood at 6,000,000 francs in 1833 to 12,000,000 in the year 1840. And it appeared that foreign woollens entered in England for transit had alarmingly increased, being in 1833 value 3,600*l.*, in 1841 6,700*l.*; and it is worthy of remark, that France and Belgium allow a drawback or bounty on all their exported woollens. These circumstances strongly called for the attention of her Majesty's Government. He gave his cordial support to the motion.

Mr. *G. W. Wood* said, that it had been clearly demonstrated by his right hon. Friend who brought forward this motion, that while the trade of foreign countries was increasing, our trade was yearly diminishing. He did not think it was the duty of this country to look to the conduct of other governments, when we came to consider the relief of our own manufactures. When he had brought this subject forward last year, it was admitted that the case was clear in favour of the repeal of the duty on coarse wool. But the import of the inferior wools for the year 1842 had fallen short very considerably of the import of the former year, and this showed that the year 1841 was a year of extravagant import, from which no inference could fairly be drawn. The average import of coarse wool prior to 1834 was 3,000,000 lbs. per annum; but in 1834 it rose to more than three times that amount, but had afterwards declined. If they tried the effect of the duty on the importation of wool, they would find a considerable decline, which was to be traced to the effect of the duty since its imposition. The wools which were formerly imported ranged from 6*d.* to 1*s.* per lb., whilst the wools now imported ranged from 3*d.* to 5*d.*; so that the effect of the duty was much heavier when it had to be paid at so much per lb. on wool of inferior value. They had been



told last year when the tariff was brought forward, that one of its objects was to relieve the manufactures of the country as far as possible from the pressure of duties on the raw material; and he contended that the pressure of duty on wool, which entered largely into manufactures, pressed very heavy in proportion to its amount. When he heard the declarations made last year, that it was the intention of the Government to relieve manufactures from the taxes on raw material, he naturally expected a remission of the duty on sheep's wool; but in that he had been disappointed, and the remissions had gone to other quarters. Though the United States levied a small duty on their fine wools, they levied no duty on coarse wools, thinking it important to encourage the manufactures into which that description of wools entered. The consequence of this was, that a large proportion of the coarse wools that came from South America were purchased by the United States, as the manufacturers there would pay a higher price in consequence of having to pay no duty. He felt it of the greatest importance to the manufactures of this country, that this duty should not be maintained, and he hoped the Government would feel the importance that some measure should be taken to relieve the manufactures of this country, and he, therefore, supported the motion.

*Mr. W. Beckett:* The hon. Member for Halifax had submitted to the consideration of the House so much information upon the subject of his motion, and had detailed so many facts proving the injurious consequences arising from the tax upon foreign wool, that he should have been content to let the merits of their case rest upon the statements which the hon. Member had made, had not the observations which had fallen from his right hon. Friend the Chancellor of the Exchequer, had a tendency to prove that the depression of the woollen manufactory had not been so great as was represented by the Member for Halifax. He felt too deeply for the ruinous condition of that large manufacturing constituency with which he had the honour to be connected, not to assure the House that their interests had been more heavily oppressed and more deeply injured by this tax than any other portion of the manufacturing community. The manufacturers of foreign wool felt that they have a double ground for complaint—the one from the actual injury

entailed upon their operations by the tax upon their raw material, the other from the relative injustice done to them in the more favourable terms upon which the raw material of other manufactories was permitted to be imported; they had not only to lament the portion of the trade which they have already lost, but they were deeply apprehensive that they could not retain that portion which was yet left to them; they found that the advantage of  $7\frac{1}{2}$  per cent. at which their continental competitors were enabled to buy in their wool, could be recovered in any subsequent process of their manufactory, and that it was in vain they put no limit to their outlay of capital, to their adoption of every improvement in machinery, and to the reduction of their own profits, which were brought down to the very verge of loss, and actual loss frequently incurred in the hope of retaining the trade; still they had the mortification to see contracts for cloth diverted to other channels and executed by other hands. Adverting to the injustice done to the woollen manufactory in the tax upon their raw material, what did they find upon investigation? That the tax upon flax, the produce of Russia, was imported at 1*d.* per cwt., whilst wool, the produce of Germany, was charged 9*s.* 4*d.* per cwt., and that cotton is charged 2*s.* 11*d.*, not one-third of the tax upon wool. It was difficult to reconcile so great a discrepancy in our tariff, and still more difficult to convince those who were so deeply injured that they were not unjustly treated. If, he thought that this was merely a local question, that the endeavour to obtain the abolition of this tax was a mere attempt to relieve the manufacturing interest from the payment of taxation, and to throw it upon the shoulders of others, he would be ashamed to support any such object; but he would prove that this was not a local question, but one which deeply affected the general interests of the country. Locally speaking as to the effects of this tax causing so great a depression of trade, he found in the borough with which he was connected large masses of unemployed capital, houses and warehouses in great numbers unoccupied, and an assessment for the out-door relief of unemployed operatives increased since 1837 from 12,000*l.* to 23,000*l.* in 1842. Next, alluding to the effect upon agricultural interests, he found a reduction in the consumption of butchers' meat to the following amount:—

Sheep killed per week, reduced from .. .. 3,500 to 2,000  
 Fat cattle killed per week, reduced from .. .. 350 to 250  
 Malt consumed, reduced 25 per cent.

And lastly, alluding to the excise receipts within the district of which he spoke, he found them less by 50,000*l.* than they were two years ago, which was more than one-half of the sum which his right hon. Friend the Chancellor of the Exchequer collected from his tax upon wool throughout the whole kingdom. These were the consequences of that depression of trade to which the tax upon foreign wool so greatly contributed, and these were the general grounds upon which he supported the motion of the hon. Member for Halifax. He would only add, that in the great struggle for labour which exists not only in this country but in every other throughout Europe, when every government must direct its attention with the greatest anxiety to provide employment for the people, it was quite clear, that the labour of the manufacturing population of this kingdom could not be sustained upon any other principle than that of removing every obstruction, and reducing to the lowest possible price the importation of all those raw materials upon which the industry of the people so much depended. The continuation of the wool-tax was a direct departure from that principle, and he could not sufficiently lament that the injurious consequences of it were exemplified to so great a degree in the condition of that extensive community which was comprised within the districts of the woollen manufactory throughout the kingdom. He could have no hesitation in giving his hearty support to the motion for the abolition of this tax.

Sir *R. Peel* said, although he could not concur in the motion of the hon. Member for Halifax, he would, nevertheless, take that course which was next best to concurrence—he would not make use of any argument which could prejudice the free consideration of his proposal for a reduction of duty, whenever the financial circumstances of the country would permit. He had lately had an opportunity of conferring with a deputation of most intelligent men from the woollen manufacturing districts, and he felt bound to say that the statements made and the arguments used by those Gentlemen had made a great impression on his mind. The hon. Member for Coventry contended for a reduction on the duty imposed on cotton as

well as that imposed on wool; but if such an alteration were to take place, the result would be a loss of between 700,000*l.* and 800,000*l.* to the revenue, for the duty raised on wool did not exceed 100,000*l.*, while that raised on cotton amounted last year, he believed, to 600,000*l.*, and he should not be surprised if it should be found to exceed that sum considerably during the present year. He was bound to say that all these duties upon articles which were the elements of manufactures were in themselves objectionable. He feared, however, if he was to open the whole question of taxation there would be many taxes found which were in themselves objectionable, but the necessity of strictly fulfilling the obligations of the public faith, and to provide for the extended possessions of the country at home and abroad, rendered it necessary that a very large revenue should be raised annually. The hon. Gentleman had very fairly stated that if that duty was repealed it would be necessary to impose some countervailing duty, and so strongly was he impressed with the policy of repealing the tax upon wool, that he said there was no tax which the Government might propose in its stead that he would not be willing to agree to. He felt much obliged to the hon. Member for his individual assent, but he wished the hon. Gentleman could assure him that he would carry with him the assent of the House and of the country before he consented to take off taxes to the amount of 700,000*l.* He distrusted the power of the hon. Member to command the assent of the House in such a case. At the same time he thanked him for his admission that if taxes of that sort were repealed some substitute must be provided. He was ready to forego the advantage of the argument that such a step would injuriously affect the agriculturists, because he did not think it would have that effect. With regard to the possibility of foreign countries imposing an export duty in the event of their removing the duty, he should be glad to have some information upon that point. Their chief exporters were the states of Germany and Russia, but of the total quantity imported, 15,000,000*lbs.* came from the German states. But, at the same time, although the manufacturing states of Germany might press for an export duty, the agricultural states would endeavour to prevent such a step. But,



setting these considerations aside, the ground on which he resisted the present motion was the existing state of the public revenue, and he trusted the House would bear that in view. Notwithstanding the great financial exertions of last year, there still remained a deficiency between the receipts and expenditure, and he thought the House would agree with him that, on the whole, it would be better to give the great commercial changes of last year a fair trial, and endeavour to ascertain whether the operation of those changes ultimately would not only restore an equality between the revenue and expenditure, but leave such a surplus as would require them to determine how to apply the surplus to the reduction of taxation. But even should they consider it necessary to reduce these duties, and to look for a substitute in other duties, he did not think the time was yet come when they ought to enter upon the discussion of that point. The revenue was still deficient, the obligation to support the public credit still remained, and, while he stated these paramount grounds of objection, he did hope that the House would concur with her Majesty's Government in considering that the time was not arrived when they could part with that large amount of revenue, and that it would be expedient to wait until the revenue of the country was in a more prosperous condition. He trusted that the House would go along with him in that view, and that they would consider it inexpedient to select one particular tax, and sacrifice a large amount of revenue in the present state of their finances.

The House divided on the question, that the words proposed to be left out stand part of the question—Ayes 142; Noes 70: Majority 72.

*List of the AYES.*

Ackers, J.	Bentinck, Lord G.
Acland, Sir T. D.	Blackburne, J. I.
A'Court, Capt.	Boldero, H. G.
Alford, Visct.	Botfield, B.
Allix, J. P.	Boyd, J.
Antrobus, E.	Bramston, T. W.
Archdall, Capt. M.	Broadley, H.
Arkwright, G.	Brooke, Sir A. B.
Ashley, Lord	Bruce, Lord E.
Bailey, J.	Buck, L. W.
Baillie, Col.	Buller, Sir J. Y.
Baillie, H. J.	Chelsea, Visct.
Bankes, G.	Christopher, R. A.
Baring, hon. W. B.	Chute, W. L. W.
Barrington, Visct.	Clayton, R. R.

Clerk, Sir G.	McGeachy, F. A.
Clive, hon. R. H.	Manners, Lord C. S.
Cochrane, A.	March, Earl of
Corry, rt. hon. H.	Marsham, Visct.
Cripps, W.	Meynell, Capt.
Darby, G.	Mildmay, H. St. J.
Denison, E. B.	Miles, W.
Douglas, Sir C. E.	Morris, D.
Duke, Sir J.	Neeld, J.
Duncombe, hon. A.	Neville, R.
Duncombe, hon. O.	Newdigate, C. N.
East, J. B.	Newry, Visct.
Eaton, R. J.	Nicholl, rt. hon. J.
Egerton, W. T.	Norreys, Lord
Eliot, Lord	O'Brien, A. S.
Escott, B.	Packington, J. S.
Estcourt, T. G. B.	Palmer, R.
Fitzmaurice, hon. W.	Palmer, G.
Flower, Sir J.	Patten, J. W.
Fox, S. L.	Peel, rt. hon. Sir R.
Fuller, A. E.	Peel, J.
Gaskell, J. Milnes	Pennent, hon. Col.
Gladstone, rt. hn. W. E.	Pollock, Sir F.
Gladstone, Capt.	Praed, W. T.
Gore, M.	Pringle, A.
Goring, C.	Rashleigh, W.
Goulburn, rt. hon. H.	Richards, R.
Graham, rt. hn. Sir J.	Rolleston, Col.
Granby, Marq. of	Rose, rt. hn. Sir G.
Greene, T.	Rushbrooke, Col.
Grimston, Visct.	Ryder, hon. G. D.
Grogan, E.	Sanderson, R.
Harcourt, G. G.	Scott, hon. F.
Hardinge, rt. hn. Sir H.	Seymour, Sir H. B.
Heathcote, G. J.	Sibthorp, Col.
Henley, J. W.	Smith, rt. hn. T. B. C.
Herbert, hon. S.	Somerset, Lord G.
Hervey, Lord A.	Spry, Sir S. T.
Hodgson, R.	Stanley, Lord
Hope, hon. C.	Stuart, H.
Hope, G. W.	Sturt, H. C.
Howard, hon. H.	Sutton, hon. H. M.
Hussey, T.	Talbot, C. R. M.
Jermyn, Earl	Thornhill, G.
Johnstone, Sir J.	Trollope, Sir J.
Jones, Capt.	Trotter, J.
Knatchbull, rt. hn. Sir E.	Tyrell, Sir J. T.
Knight, F. W.	Vesey, hn. T.
Knightley, Sir C.	Waddington, H. S.
Lennox, Lord A.	Wilbraham, hn. R. B.
Lincoln, Earl of	Wodehouse, E.
Lockhart, W.	Worsley, Lord
Lowther, J. H.	Yorke, hon. E. T.
Lowther, hon. Col.	Young, J.
Lygon, hon. Gen.	
Mackenzie, T.	
Mackenzie, W. F.	
Macleane, D.	

TELLERS.

Fremantle, Sir T.  
Baring, H.

*List of the NOES.*

Aglionby, H. A.	Bowring, Dr.
Aldam, W.	Brotherton, J.
Bannerman, A.	Buller, E.
Barclay, D.	Busfield, W.
Baring, rt. hn. F. T.	Byng, rt. hon. G. S.
Berkeley, hon. C.	Cavendish, hon. C. C.
Blake, M. J.	Cavendish, hon. G. H.

Clive, E. B.	O'Connell, M. J.
Cobden, R.	Ogle, S. C. H.
Colebrooke, Sir T. E.	Ord, W.
Colquhoun, J. C.	Palmerston, Visct.
Crawford, W. S.	Parker, J.
Dalrymple, Capt.	Pechell, Capt.
Duncan, G.	Plumridge, Capt.
Duncombe, T.	Ponsonby, hn. C.F.A.
Easthope, Sir J.	Protheroe, E.
Ewart, W.	Ricardo, J. L.
Fielden, J.	Scholefield, J.
Ferguson, Sir R.	Sheppard, T.
Forster, M.	Stansfield, W. R. C.
Gibson, T. M.	Stuart, Lord J.
Grey, rt. hon. Sir G.	Stuart, W. V.
Hall, Sir B.	Thornely, T.
Hardy, J.	Towneley, J.
Hastie, A.	Trelawny, J. S.
Heathcoat, J.	Wawn, J. T.
Hindley, C.	Williams, W.
Howard, hn. C.W.G.	Wilshere, W.
Howard, hon. J. K.	Wood, B.
Howard, Lord	Wood, G. W.
Howard, P. H.	Wortley, hon. J. S.
Howard, Sir R.	Wrightson, W. B.
Hutt, W.	Wyse, T.
Lemon, Sir C.	Yorke, H. R.
Leveson, Lord	
Mangles, R. D.	
Marshall, W.	
Mitchell, T. A.	

Original motion put and agreed to,  
Order of the day read—Committee of  
Supply deferred.

COAL WHIPPERS.] Mr. Gladstone moved the second reading of the Coal-whippers Bill. It was intended by the measure to enable the captains of colliers to discharge their own vessels, to allow them to be unloaded by machinery, and other regulations were contemplated for the unloading of colliers in the Thames. It was supposed that the new system would be expensive, but it was intended to establish an agency to regulate the hiring of the men employed, and to defray the expense by a charge of 2½ per cent. upon their wages, which, compared with the present system, would be a very slight commission. Commissioners were to be appointed by Government from among the coal-trade, such as merchants, factors, or coal-owners, who would obviate the objection that the delivery of colliers would not be so rapid as formerly. Again, the corporation of London were to have power to purchase ground for the erection of proper offices; but before completing the whole arrangements contemplated under the bill, it was proposed to hire temporary buildings to give the experiment a fair

trial. He had reason to know that the persons who would be more immediately affected by the measure were most anxious that it should pass. He would not, however, go further into the subject at present, hoping that the House would allow the bill to be read a second time, in order that he might have it reprinted in an amended form, until which time he would not ask the House to proceed further with the measure.

Mr. Hawes objected to the principle of the measure, as well as to the course which the right hon. Gentleman proposed to pursue. The evils which the bill sought to remedy had long been known, and affected a class of persons who were well able to take care of their own interests. The bill sought to establish a corporation for the remedy of evils affecting, not the public generally, but a particular class of adults. These evils, like other evils affecting classes, were not in any way to be remedied by legislative enactment; and if they passed this bill they would find that the result would be a speedy return to the state of things now existing—a return, too, very probably aggravated by ill results not now anticipated. Besides this objection, there was another, and a most forcible one,—he referred to the contemplated tax to be levied on the wages of the men for the construction of the expensive machinery which the bill would create. To try to pass a measure of such doubtful expediency in an imperfect form would be, he thought, highly inexpedient, and on that ground he should suggest to the right hon. Gentleman the desirability either of withdrawing the bill altogether, for the purpose of introducing another in an amended form, or else of referring the bill as it stood to a select committee up stairs. If the hon. Gentleman did not adopt the former course, he should himself propose to the House to pursue the latter.

Dr. Bowring opposed the bill. He considered it an undoubted interference with the freedom of the labourer.

Mr. Philip Howard supported the bill which had been introduced by his right hon. Friend, because the stern principles of political economy must sometimes yield to the cry of misery and to considerations of humanity. The bill under discussion went to propose a system of registration or enrolment which would render the laborious class of men whose interests it was their aim to protect, less dependent on the



publican for employment and less subject to fraud—it would give relief to the families of those whose substance and whose means were now wasted in intemperance.

Mr. *T. Duncombe* said, it was a species of truck system of which they had to complain. They ought to make the truck laws more stringent. If they did they would find that complaints would be made. The same system was in existence in Staffordshire. There the labourer spent nearly the whole of his money in the public-house, where he had to pay for music and drink. They proposed to make a deduction from the labourer's wages in order to defray the expence of the commission. Why, that was a kind of income-tax upon the labourer. These commissioners were to have salaries. [Mr. *Gladstone*, they are not to be paid.] He was glad to hear it. He understood that many Gentlemen were already canvassing for these commissionerships, but as the commissioners were to be unpaid, they would hear of no further canvassing.

Mr. *Hutt* felt the bill was necessary, and therefore would support it. He believed that the coal-whippers and merchants were universally in favour of the measure.

Mr. *W. Williams* thought that the right hon. Gentleman had shown too great a disposition to meddle with the details of trade. It would be much better if the right hon. Gentleman would let those persons look after their own affairs. This was the only free class of labourers in the city or port of London, for none could work in other pursuits than coal-whipping without obtaining a licence from the city. The whole body of the coal-owners were opposed to it. He could not conceive how the right hon. Gentleman could prevent this class of persons from visiting public houses and spending their money. If the right hon. Gentleman would relieve other classes of labour in London from the restrictions which were imposed upon them by the corporation, he would do some good, but be certainly would not by a measure like the present.

Mr. *Wawn* opposed the bill, and moved that it be read a second time that day three months.

The House divided on the question, that the word "now" stand part of the question. Ayes 50; Noes 9: Majority 41.

#### *List of the AYES.*

Acland, Sir T. D. Aglionby, H. A.

Ashley, Lord	Hutt, W.
Bentinck, Lord G.	Jermyn, Earl
Blake, M. J.	Knatchbullrt.hn.Sir E.
Boldero, H. G.	Lincoln, Earl of
Bramston, T. W.	Lowther, J. H.
Brotherton, J.	Mackenzie, W. F.
Buller, Sir J. Y.	Mc Geachy, F. A.
Clements, Visct.	Meynell, Capt.
Clerk, Sir G.	Nicholl, rt. hon. J.
Cripps, W.	O'Connell, M. J.
Darby, G.	Peel, rt. hon. Sir R.
Denison, E. B.	Rushbrooke, Col.
Douglas, Sir C. E.	Scott, hon. F.
Duncombe, T.	Sheppard, T.
Eliot, Lord	Sibthorp, Col.
Ferguson, Sir R. A.	Smith, rt. hon. T. B. C.
Gladstone, rt.hn. W. E.	Stanley, Lord
Goulburn, rt. hon. H.	Sutton, hon. H. M.
Graham, rt. hon. Sir J.	Vesey, hon. T.
Greene, T.	Wilbraham, hn. R. B.
Hardinge, rt. hn. Sir H.	Wood, B.
Hawes, B.	Wood, G. W.
Herbert, hon. S.	
Hindley, C.	TELLERS.
Hodgson, R.	Freemantle, Sir T.
Howard, P. II.	Pringle, A.

#### *List of the NOES.*

Bowring, Dr.	Morris, D.
Duke, Sir J.	Pechell, Capt.
Forster, M.	Scholefield, J.
Henley, J. W.	TELLERS.
Johnstone, Sir J.	Williams, W.
Mitchell, T. A.	Wawn, J. T.

Bill read a second time and referred to a select committee.

House adjourned at a quarter to two o'clock.

### HOUSE OF LORDS,

*Tuesday, July 18, 1843.*

MINUTES.] BILLS. *Public*.—2<sup>a</sup>. Sessions of the Peace; Scientific Societies.

3<sup>a</sup>. and passed :—Norfolk Island.

*Private*.—2<sup>a</sup>. Berwick-upon-Tweed Corporation.

*Reported*.—Sutherland Roads.

3<sup>a</sup>. and passed :—Northampton Improvement; Londonderry Bridge.

PETITIONS PRESENTED. By the Archbishop of Dublin, from several individuals, for Amending the present system of Church Government.

DEFAMATION AND LIBEL.] On the motion of Lord Campbell, the House resolved itself into a committee on the Defamation and Libel Bill.

On the 3rd clause,

Lord Campbell remarked, that at present the proof of the truth of a libel was an absolute bar to a civil action. This required change, because if one man libelled another by imputing any corporal defect, or by reviving a long-forgotten and heartily-repented offence, it was not fit that the proof of the truth should prevent the plain-

tiff from recovering damages. At the same time, he was of opinion that the right of the party ought to be barred, if it could be established, not only that the libel was true, but that it was of importance to the public that the truth should be made known; he had, therefore, at first inserted the words, "of public benefit that it should be published," in the third clause; but, upon consideration, possibly their Lordships might prefer these words, "that the public had an interest in being informed of the facts stated in the said imputation."

Lord *Brougham* admitted that proof of the truth, instead of being a bar to an action for libel, ought to be left to the jury. At the same time, he did not like the terms his noble and learned Friend wished to substitute; for it might be said, that the public had and took a deep interest in all matters of slander and defamation — the more discreditable the better, and it was remarkable, also, that the female sex felt a more lively interest in such matters than the male sex. They delighted in erecting themselves into *censores morum*, and in exercising the duties of the office with the utmost sincerity.

The Lord Chancellor thought, that on the face of the bill it ought to appear what sort of "interest" was intended as well as who was meant by "the public."

Lord *Campbell* observed, that it was also of importance that, in a criminal prosecution for libel, proof of the truth should be admitted, although it was now excluded. He preferred the words he had originally inserted in the clause as regarded the public benefit. It was of public benefit that cases like one he had read some time since in the *Times* newspaper should be exposed, and that the truth should be held an answer to any criminal prosecution. He alluded to the case of a man who advertised for governesses, appointed them to meet him at a particular house, and subsequently employed all his arts to seduce them.

The Lord Chancellor suggested an amendment, to enable the jury to decide "how and in what manner it would so prove beneficial to the public."

Clause amended agreed to.

The Lord Chancellor in the 6th clause, introduced an amendment to make it more extensive.

Lord *Brougham* saw the necessity of the change, in order to render the bill more effectual as regarded parties threatening to libel others, with a view of extorting money, &c. The most detestable trade in

slander had thus been carried on by some of the most infamous members of society; but he had pointed out to his noble and learned Friend (Lord Campbell) a dozen cases which were not included by the words of the clause as they originally stood — one of these cases he had known to occur, in which a Member of the Legislature had been threatened with a libel, if he did not, in the course of a speech, refer to and quote a particular work. In the same way threats had sometimes been held out that particular parties should be libelled at large public meetings, if they did not support a repeal of the union with Ireland.

Clause as amended ordered to stand part of the bill.

On clause 7, permitting reports of proceedings in Courts of Justice, and in the two Houses of Parliament to be published.

The Lord Chancellor observed, that every petition presented to Parliament would be a proceeding in Parliament within the language of the act, and, however scandalous, would be under its protection.

Lord *Campbell* said, that this was a most important clause. It was founded upon the tenth proposition of the recommendations of the committee on the law of libel, which ran thus:—

"That no action, indictment, or information shall be maintainable for a faithful report of any proceedings of courts of justice, or before magistrates acting in the discharge of their duty, or of any proceedings in either House of Parliament, at which strangers have been permitted to be present, provided that such proceedings are not of such a nature that a report thereof would be contrary to good manners."

In practice all fair reports of legal proceedings were sanctioned, not only where there had been final judgment, but on *ex parte* applications. The Lord Chief Justice of the Queen's Bench was in favour of the clause as it stood, and was of opinion that if a report were faithful, even in *ex parte* cases, the representation would be viewed as *ex parte*, and as likely to be partial, so that the evil effect would be counteracted. As to police reports, their legality had long been doubted; but the police magistrates were of opinion, that the benefit arising from them exceeded the evil. In the case of *Curry v. Walter*, the principle he contended for had been recognised. The noble Lord also quoted the authority of Mr. Dobie, the eminent solicitor as favourable to his view. He appealed to their Lordships whether they did not expect that



their proceedings should be reported correctly in the public journals? And if so, whether publishers of papers should be exposed to any risk in that course? No doubt, a Member of Parliament attempting to abuse the privileges of Parliament, for the purposes of slander, was the worst of slanderers, and he certainly should endeavour to secure the public against such a gross abuse. No one could question that any Member of Parliament, for instance, who published his own speech containing statements injurious to private character, without any answer that might have been given to it, would show that he had not had a *bonâ fide* motive. But faithful and *bonâ fide* reports of Parliamentary proceedings, why ought not they to be as much protected as similar reports of legal proceedings? The evidence before their Lordships in the Townshend peerage case, why ought the publication of that by the papers to have been attended with greater risk than had the case occurred in the ordinary courts of justice? He proposed, then, to assimilate the law in respect to Parliamentary proceedings generally to the law as regarded legal proceedings. This would not sanction unfair and unfaithful reports, but only those which were fair and faithful. As to petitions, he understood the allusion to the unfortunate case of the unworthy petition presented in the other House against that most honourable, amiable, and estimable of men, the Lord Chief Justice of the Common Pleas; an event deeply regretted, and against the recurrence of which every precaution had been taken.

Lord Brougham was decidedly of opinion that Parliament could not discharge its high functions without the most entire freedom of debate. In proportion, however, as there should be an absolute and unrestrained privilege within the walls of Parliament for saying whatever any Member might think proper to say, restrained only by his sense of duty; so, in the same proportion, was the necessity absolute, that there should not be given an unrestrained power to the press to publish everything that was said in Parliament. There was no fear of the proceedings of Parliament not being published. Practically, therefore, there was no necessity for such a provision as this. In the course of all his experience at the bar, he never remembered a single prosecution or action for the publication of a speech delivered in Parliament. In the case of Wright, publisher, reported

in 6 Term Reports, an action was brought by Horne Tooke against Wright, for printing a report of proceedings in Parliament which reflected upon Mr. Horne Tooke. The Court of King's Bench held, that it was a privileged publication, because it was good for Parliament itself and for the country that the publication should be made. But the court never held, on the contrary, the rule was the other way, that any indemnity whatever should be given to the publisher for printing everything that was said in Parliament. It was the only check upon Members of Parliament that the publication should rest on the responsibility of the publisher. With respect to police reports, he thought they did much more good than harm: at the same time he could mention a case which would show that there might be a great abuse of that description of publication. A certain newspaper or periodical work which had slandered a person was prosecuted, and a judgment was obtained against the publisher. The matter was compromised, upon condition that no further libellous remarks were to be published. The party who had furnished the publisher with the slander, came and proposed that the latter should publish something more. No, said the publisher, we will not publish this, because we are under terms; but if you will go to a police magistrate and make your statement, we will take care to have a reporter there, and he will furnish us with a report of every word you say, and that we will publish. Now he (Lord Brougham) should be very loath to give any security to such a person as that.

Lord Campbell said, it was impossible to frame any law that might not be abused; but he thought the words which he proposed to introduce, that there should be no prosecution where the publication was "without malice," would sufficiently narrow the clause to prevent it extending its protection to improper publications.

Lord Brougham: What proof could you have of it?

The Lord Chancellor: Actual malice could hardly ever be proved, and the affirmative is on the injured party.

Lord Campbell thought no jury could hesitate to find the existence of actual malice in the cases contemplated. Surely, as in the case of "*Rex v. Creevey*," a Member of Parliament ought not to be punished for a merely *bonâ fide* publication of his declarations explanatory of his own conduct.

Lord Brougham: Suppose a person

broaches a treasonable topic in Parliament, suppose he recommends assassination of a monarch?

Lord Campbell: Why, if my noble and learned Friend considers it possible treason can ever be spoken in Parliament, I will introduce a word to meet it; but my words are framed so as to exclude "seditious, blasphemous, or indecent language."

Lord Brougham: Private assassination might, perhaps, be recommended in Parliament.

The Lord Chancellor was afraid that this clause would militate against the standing orders of their Lordships' House. With respect to reports of the proceedings at police-offices, he had conferred with a highly respectable individual who had great experience of the practice of those courts, and he assured him (the Lord Chancellor) that practically no inconvenience resulted from those publications. The reporters exercised a sound discretion, and it was only in extraordinary cases that any interference of the court was called for to restrain the publication of the proceedings.

Lord Campbell saw no necessary opposition to the order, but very much doubted the wisdom of maintaining rules, the violation of which was not only tacitly allowed but strongly desired by their Lordships. The sooner they were done away with, he thought, the better, seeing that the Houses of Parliament possessed quite sufficient power to prevent intentional or unjustifiable misrepresentations. The noble and learned Lord, adverting to the authority of a learned judge, alleged to be against him on some of these points, remarked, that, although he honoured and respected that learned judge, he had the less regard for his authority on the subject because of his refusal to attend and express his opinion before the committee, which had been honoured by the attendance of three Lord Chancellors, the Lord Chief Justice, and the Lord Chief Baron, and he regretted that a puisne judge should have fancied such attendance would have been in any way derogatory to his dignity.

The Lord Chancellor: No, no.

Lord Brougham said, the subject of Parliamentary privilege was much too large to be discussed incidentally; but he concurred with the late Sir Samuel Romilly in thinking that the ancient orders of either House should be touched most diffidently and delicately, as having been the result of long experience and adapted to observed necessities. Nor was there any class of

these orders which it was more important to preserve than those which related to the publication of debates and the admission of strangers, the power of preventing which rarely required to be exercised; but the knowledge of its existence alone did away with the necessity. And he had heard eminent friends of his in France avow their persuasion that to the absence of such regulations in the legislative assemblies of that country, and the consequent acquirement on the part of the public of a sort of interference with their debates, were to be attributed most of the evils of the revolution. Notwithstanding the case of Mr. Creevey, and the extreme reluctance he felt to dissent from those who entertained a different opinion, he was obliged, though reluctantly, to vote against the clause.

The Lord Chancellor observed, that it was not from any sense of wounded dignity as his noble and learned Friend (Lord Campbell) had supposed, that the learned judge, to whom he had alluded, had been unwilling to appear before the committee; but because he considered it unfit that judges should be examined as witnesses upon such a question. He (the Lord Chancellor) should vote against this clause.

Lord Campbell did not feel authorised to abandon the clause in the absence of the Lord Chief Justice.

The committee divided on the question that the clause stand part of the bill, when the numbers were — Contents 5; Non-contents, 11; Majority 6.

Clause rejected.

Lord Campbell said, he proposed to omit the 13th and 14th clauses as unnecessary. It was somewhat extraordinary that the whole committee should have laboured under a mistake, which was apparent in their report, in supposing that the security given by the proprietors of newspapers extended only to the Stamp duties. It had been suggested by a respectable editor of a newspaper, that for the suppression of libels in such publications, where the nominal proprietors were men of straw, a right of action might be given against the sureties of the paper, who might be required to give security to pay damages and costs. It was imagined that the 6th and 7th William 4th had repealed the old law, and that the only security required was for the stamp duty; but upon further inquiry it turned out that the act of 11 George 1st., c. 73, was still in existence, which extended the security to the damages and costs in cases of action for libel against the papers,



and he found, from a copy of the recognizance entered into at the Stamp office, that it held the sureties liable for all damages and costs recovered by parties in any action for libel against the newspaper.

The *Lord Chancellor*: It is never acted upon, and is not known.

*Lord Campbell*: The public then will now be aware that such is the nature of the recognizance; and that in the case of a newspaper which lives upon slander, if the nominal proprietor be incapable of paying the damages and costs of an action, the injured parties may sue the sureties, and, by the existing law, the full sum must be kept up.

The *Lord Chancellor*: The fact is not known; for I have sometimes said to the injured party, "Why not bring your action?" and the answer has been, "They are not worth powder and shot."

Clauses negatived; remaining clauses agreed to.

Report to be received.

The House adjourned.

## HOUSE OF COMMONS,

*Wednesday, July 19, 1843.*

MINUTES.] *BILLS. Public.*—1<sup>o</sup>. Schoolmasters Widows' Fund (Scotland) Validity.

2<sup>o</sup>. Schoolmasters Widows' Fund (Scotland) Validity.

*Committed.*—Schoolmasters Widows' Fund (Scotland) Validity.

*Reported.*—Coroners.

3<sup>o</sup>. and passed:—Schoolmasters Widows' Fund (Scotland) Validity.

*Private.* 1<sup>o</sup>. Duchall's Estate.

*Reported.*—Infant Orphan Asylum; Spalding and Deeping Roads; Dowager Countess of Waldegrave's Estate.

3<sup>o</sup>. and passed:—Rochdale and Manchester Roads; Cromford and Belper Roads.

PETITIONS PRESENTED. By Mr. Brotherton, and Lord Clive, from Counties of Montgomery, and Lancaster, Colchester, and Marylebone, against the Coroners Bill.—By Mr. Mitcalfe, from Tynemouth, for the Repeal of the Corn Laws.—By Mr. Turner, from Winslow, against Duelling.—By Mr. Corry, from the County of Tyrone, in favour of the Irish Arms Bill.—By Mr. Mackinnon, from two Metropolitan Parishes, in favour of the Health of Towns Bill.—By Mr. M. J. O'Connell, from Sandwich, in favour of the Coroners Bill.—From Dunbar, against the Prisons (Scotland) Bill.—From Clogher, and Westport, against the present system of Education in Ireland.—From the Owners of the Grand Canals (Ireland), for Subjecting their Profits only to the Poor-rate.—From Cockfield, against the Factories Bill.—From the London and Croydon Railway Company, for exempting their Buildings from the Operation of the Metropolitan Buildings Bill.

DROPPED NOTICES OF MOTION.] On the motion that the dropped notices of motion be read,

Mr. *T. Duncombe* would move, as an amendment, that the notices be now read, with the view of taking precedence of the orders of the day to-morrow, and he did

so in consequence of the Government not having condescended to assist in making a House yesterday. There was not one Member of the Government present; and though there were sixteen Members on that (the opposition) side of the House, there were only two Members on the other. Individual Members had given up Thursdays to the Government, who in return ought to assist in making a House on Tuesdays. The notice of the noble Lord, with respect to the education of the people, was most important, yet the Government would not make a House to discuss it. There were also thirteen Government orders on the papers; and yet the Government, which did not make a House, came down to complain of the obstruction given to the progress of their bills. Besides, there was the subject of privilege for consideration yesterday; and it was the bounden duty of the Government to discuss it. It took precedence of all other notices; and the Government was responsible for the form in which their Attorney-general had intended to bring under notice the action brought against the Sergeant by Mr. Pearce, the clerk of Mr. Howard, the attorney. He had never known a House of Commons, and he had never known a Government fall so fast into disrepute. But if the Government were content with being kicked and trampled and spit upon, from one end of Ireland to the other, they might make themselves a laughing-stock if they liked; but they had no right to bring the House into disrepute when a gross breach of its privileges had been committed by the action brought against the Sergeant, especially as he understood this was the last day they could act. He should therefore move that notices of motion should take precedence of the orders of the day on Thursday.

Sir *Robert Peel* said, there were few parties more inconvenienced by there not being a House than he was, and he could assure them that the Government was no party to a House not being made. He came down to the House at twenty minutes past four for the purpose of answering a question of which notice had been given, and of asking the House to agree to the Lord's amendments to the Church Endowment Bill, and he had not the slightest intimation of there being no House till he reached the door. The hon. Gentleman would therefore see a material difference between an attempt not to make a House

and an accidental failure. It should be recollected that every Member of the Government was occupied with official duties, and he thought it was an obligation on other Members to make a House, especially those who had important notices of motion. There were also several committees sitting, and the general presumption was, that those Members would come down to make a House. As the failure yesterday, therefore, was not intentional on the part of the Government, and as he himself was disappointed at no House being made, he trusted the hon. Gentleman would not press his motion.

After some conversation, Mr. T. Duncombe withdrew his motion, and the dropped notices of motion were disposed of.

PRIVILEGE—PRINTED PAPERS.] The *Attorney-general* rose to move that the House do now take into consideration the communication of the Sergeant-at-Arms, made on Tuesday evening. The ordinary course, in such a case, would be, he said, to give notice of a motion for to-morrow, but, unfortunately, the time would then have expired, within which the Sergeant-at-Arms ought to have appeared; for, until he had communicated with the House, that officer had most properly abstained from taking any step whatever. The circumstances of the present case were precisely similar to those of the case before discussed, and after a great deal of debate on that case, the House had permitted the Sergeant-at-Arms to appear and plead to the action. He proposed, that the same course should now be adopted, not supposing that the House would, after the lengthened discussion and great deliberation on the former occasion, proceed in a different manner. He begged, therefore, to move—

“That Sir William Gosset, knight, the Sergeant-at-Arms attending this House, have leave to appear and plead to the action commenced against him by Thomas George Johnstone Pearce.”

Mr. T. Duncombe believed that the hon. and learned Attorney-general was following the precedent established at an early period of the present Session, in the action brought by Mr. Howard, against Sir W. Gossett. The Solicitor-general on that occasion, moved that the Sergeant-at-Arms might be permitted to appear and plead to the action; and the learned

Attorney-general could not, of course, object to the same mode of opposition being now adopted which was then pursued. He only regretted that the hon. and learned Member for Worcester (Sir T. Wilde) and the noble Lord the Member for London, were not in their places to offer their opposition to the motion. This action only showed, as it appeared to him, the truth of what had been foretold upon a former occasion. They were then assured, that Mr. Howard's son, and Mr. Howard's clerk would both come forward with actions; this action was brought in respect of an act done three years ago, and the moment they appeared, Mr. Howard's son would bring his action; and where or how could this end? Were they for ever to go on instructing the law officers of the Crown to appear? It might be very excellent amusement for them, but the country, he thought, had paid enough already for law expenses. It might do very well for the law officers of the Crown to ask permission that a plea should be put in to the action, for they would have long briefs and large fees, and more actions would be brought in consequence of the encouragement which they gave; but the Opposition must do what they had done before—they must move that the plaintiff in this action be ordered to attend at the Bar of the House, for the purpose of acquainting him that he was violating the privileges of that House. It was said, that the Court of Queen's Bench would uphold their privileges, and that it would be sufficient to appear to the action; but, as the hon. and learned Member for Worcester had said, on the former discussion, suppose the Court of Queen's Bench did not, what were they to do then? By appearing, they were admitting that the Court of Queen's Bench could take cognizance of their privileges. That question had been tried before in *Burdett v. Abbott*, and there Sir Vicary Gibbs then decided, on behalf of the rest of the court, that it was sufficiently plain that the act complained of was done under the authority of that House, and, therefore, the question was disposed of. Why was it, then, that these parties brought their actions against the Sergeant-at-Arms? It was because they had seen the House wavering upon the former occasion; and because the House had then given leave to the Sergeant to appear and plead. If, on that occasion, they had



brought Mr. Howard to the Bar of that House; they would never have heard of this action. But the result of their present proceeding would be, that they would have no end to such actions brought. They would never appoint a committee with power to send for persons and papers, but that some unwilling witness would be committed for refusing to produce his papers, and would then bring his action. The authority of that House was gone. There was no doubt that Mr. Pearse and Mr. Howard and his son, were proceeding with a view of insulting and wearying the House, in wanton defiance of its authority. Though he did not complain of the hon. and learned Attorney-general that on this occasion he followed the precedent of the early part of the Session, he thought that the hon. and learned Gentleman was pursuing a dangerous and an erroneous course. He begged, therefore, to move as an amendment, that Mr. Pearse be ordered to attend at the bar of that House to-morrow.

Mr. *Hume* seconded the motion. He was convinced that the House could not carry out its orders, unless they possessed some such power of committal as had been described. By the course proposed by the Attorney-general, the House was in a situation to be annoyed by any individual. After the able and unanswerable speech of his hon. Friend the Member for Worcester it was utterly unsafe for the House to abstain from enforcing its privileges in such a case as the present. It should be recollected that they were not acting for themselves but for the country; and if they had not the power of commitment, they would often be deprived of the means of redressing the grievances of the people. The House committed a great error in the former case, and he found that all who had given the matter careful deliberation agreed in this respect.

Sir *R. Peel* observed that the whole question had been so fully discussed when the former cases were under the consideration of the House, that he thought it unnecessary to renew the discussion. It should be recollected that the mere commitment of the individual would not stop the proceedings, for in the mean time the action would go on, and all the consequences would ensue, which occasioned them so much consideration. If the action proceeded the jury might give a verdict, damages would be awarded, and the sheriff

proceeding to levy, you would have all the difficulties to contend with which occurred in the case of *Hansard* from the conflicting authorities of the House of Commons and a court of law. The sheriff was placed in a situation of the greatest difficulty, but the result would probably be that he would consider himself bound to obey the orders of the court of which he was the officer. It was possible that the committal of the individual might induce him to withdraw his action, but the House should remember that the period of committal expired at the end of the Session. In the mean time, the action went on to its termination, and then all the officers of justice were put in conflict with that House. In the case of *Howard v. the Sergeant-at-arms*, when the plea was put in, the case did not proceed further, and no effect came of the action, and he presumed that it would be the same in the present case. He believed that both with respect to the former and the present action, there was a very strong feeling in favour of letting the Sergeant-at-arms defend the action. In the case of *Hansard*, where the action went on to judgment and execution, the House was obliged to legislate on the subject, and if the party was committed, and the action was allowed to proceed in this case, they would probably again have to commit the sheriff, and it would become again necessary to resort to legislation. He thought that the course which the House of Commons was now called upon to take was the wisest that could be adopted, for the result of the action of *Howard* showed that there were great difficulties in establishing a case against the officers of the House of Commons. Under all these circumstances he hoped that the House would adhere to the decision to which they came at the early part of the Session.

The House divided on the question that the words proposed to be left out stand part of the question: Ayes 105; Noes 44; Majority 61.

*List of the AYES.*

Ackers, J.	Beckett, W.
Acland, Sir T. D.	Blackstone, W. S.
Acton, Col.	Blake, M. J.
Adare, Visct.	Boldero, H. G.
Allix, J. P.	Borthwick, P.
Antrobus, E.	Broadley, H.
Arkwright, G.	Broadwood, H.
Astell, W.	Buck, L. W.
Bailey, J.	Buckley, E.
Bateson, R.	Bunbury, T.

Burroughes, H. N.

Chapman, B.

Clive, Visct.

Clive, hon. R. II.

Collett, W. R.

Denison, E. B.

Disraeli, B.

Douglas, Sir C. E.

Duncombe, hon. A.

Duncombe, hon. O.

East, J. B.

Egerton, W. T.

Eliot, Lord

Escott, B.

Fellowes, E.

Ferguson, Sir R. A.

Fitzmaurice, hon. W.

Fitzroy, hon. H.

Flower, Sir J.

Forman, T. S.

Fuller, A. E.

Gaskell, J. Milnes

Gladstone, Capt.

Gordon, hon. Capt.

Gore, W. O.

Goulburn, rt. hon. H

Graham,rt. hn. Sir J.

Greene, T.

Hamilton, G. A.

Hardinge,rt.hn. Sir H.

Hayes, Sir E.

Hodgson, F.

Hodgson, R.

Hope, G. W.

Ingestrie, Visct.

Irrving, J.

Jermyn, Earl

Johnstone, Sir J.

Jones, Capt.

Kelly, F. R.

Kerrison, Sir E.

Knatchbull,rt.hn.SirE

Law, hon. C. E.

Lefroy, A.

Liddell, hon. H. T.

Lockhart, W. ?

Lowther, J. H.

Lygon, hon. Gen.

Mackenzie, W. F.

Mackinnon, W. A.

McGeachy, F. A.

Mahon, Visct.

Manners, Lord C. S.

Manners, Lord J.

Marton, G.

Milnes, R. M.

Nicholl, rt. hon. J.

Northland, Visct.

Owen, Sir J.

Pakington, J. S.

Palmer, R.

Peel, rt. hon. Sir R.

Peel, J.

Pennant, hon. Col.

Pollington, Visct.

Pollock, Sir F.

Richards, R.

Rose, rt. hon. Sir G.

Smith, rt. hn. T. B. C.

Smythe, hon. G.

Spry, Sir S. T.

Stanley, Lord

Sutton, hon. H. M.

Tennent, J. E.

Trollope, Sir J.

Trotter, J.

Vane, Lord H.

Vesey, hon. T.

Wilbraham, hn. R. B.

Wodehouse, E.

Wood, Col. T.

Wortley, hon. J. S.

Wynn, rt.hn. C.W.W.

Yorke, hon. E. T.

Young, J.

TELLERS.

Fremantle, Sir T.

Pringle, J.

Worsley, Lord

Wrightson, W. B.

TELLERS

Hume, J.

Duncombe, T.

Main question agreed to.

HEALTH OF TOWNS.] Mr. Mackinnon hoped that there would be no objection to his proceeding with the second reading of the Health of Towns Bill, as it had been several months before Parliament, and he introduced it in consequence of the recommendations of the committee of which he was chairman.

Mr. M. Gibson objected to such a measure of importance emanating from an individual Member. The Government alone could properly introduce such a measure.

Sir J. Graham hoped that his hon. Friend would withdraw his bill; the subject was an important one, and he had to state that a report had been drawn up on the subject by an officer of the Government, which would be laid on the Table of the House. He hoped that the Government would be able to bring in a bill on the subject next Session.

Mr. Mackinnon said, as the Government had taken up the subject he would withdraw his bill.—Bill withdrawn.

CORONERS.] Lord Worsley wished to have the Coroners' Bill committed *pro formâ* for the purpose of introducing a number of amendments. The bill could then be printed, and ordered to be taken into consideration at a future day.

Sir E. Knatchbull suggested that the bill should be postponed for the present Session. The right hon. Baronet moved that the bill be committed that day three months.

Sir B. Hall read the following account of inquisitions taken by the coroners for the county of Middlesex, in several successive years :—

Years.	No. of Inq.	Fees on Inquests.	No. of Miles.	Mileage.	Disbursements.
		<i>l. s. d.</i>		<i>l. s. d.</i>	<i>l. s. d.</i>
Mr. Stirling and Mr. Wakley	1837	615 705 0 0	3,180	119 5 0	168 14 9
	1838	720 960 0 0	3,149	107 1 0	705 0 5
	1839	623 830 13 4	2,855	107 1 3	624 10 5
	1840	787 1,049 6 8	2,964	111 3 0	617 17 0
	1841	803 1,070 13 4	3,231	121 3 3	772 5 6
	1842	839 1,118 13 4	3,429	128 11 9	195 5 0
		4,387			3,883 13 1
Mr. Baker.	1837	627 738 0 0	1,917	71 17 9	460 9 11
	1838	752 1,002 13 4	2,337	87 12 9	1,147 3 8
	1839	784 1,045 6 8	2,684	100 13 0	1,206 9 6
	1840	709 945 6 8	1,611	60 8 3	1,045 11 6
	1841	748 997 6 8	2,084	78 3 0	1,128 12 6
	1842	868 1,157 6 8	2,467	92 10 3	1,393 14 6
		4,488			6,382 1 7

# List of the NOES.

Aldam, W.

Barnard, E. G.

Berkeley, hon. C.

Blewitt, R. J.

Bowes, J.

Bowring, Dr.

Brotherton, J.

Clements, Visct.

Clive, E. B.

Colborne, hn.W.N.R.

Duff, J.

Ewart, W.

Forster, M.

French, F.

Gibson, T. M.

Hall, Sir B.

Hastie, A.

Hindley, C.

Howard, hon. H.

Hutt, W.

McTaggart, Sir J.

Matheson, J.

Mitcalfe, H.

Morris, D.

Napier, Sir C.

O'Brien, W. S.

O'Connell, M. J.

O'Connor, Don

Plumridge, Capt.

Ponsonby, hon. C. F.

Pryse, P.

Ross, D. R.

Thornely, T.

Towneley, J.

Trelawny, J. S.

Turner, E.

Wakley, T.

Wallace, R.

Wawn, J. T.

Williams, W.

Wilshire, W.

Wood, B.



The House divided on the question that the words proposed to be left out stand part of the question :—Ayes 66 ; Noes 42 : Majority 24.

*List of the AYES.*

Acland, Sir T. D.	Hodson, R.
Aldam, W.	Ingestre, Visct.
Archbold, R.	Jernyu, Earl
Arkwright, G.	Johnstone, Sir J.
Astell, W.	Kelly Fitz Roy
Baillie, Col.	Langston, J. H.
Barnard, E. G.	Lowther, J. H.
Baskerville, T. B. M.	McGeachy, F. A.
Beckett, W.	Manners, Lord C. S.
Blackstone, W. S.	Mitcalfe, H.
Borthwick, P.	Morris, D.
Broadwood, H.	Newdigate, C. N.
Buck, L. W.	O'Brien, A. S.
Buckley, E.	O'Connell, M. J.
Burroughes, H. N.	Ogle, S. C. H.
Cavendish, hon. G. H.	Patten, J. W.
Collett, W. R.	Peel, rt. hn. Sir R.
Douglas, Sir C. E.	Peel, J.
Duncombe, hon. A.	Pendarves, E. W. W.
Duncombe, hon. O.	Pringle, A.
East, J. B.	Pryse, P.
Escott, B.	Rose, rt. hn. Sir G.
Fellowes, E.	Sutton, hon. H. M.
Fitzmaurice, hon. W.	Trollope, Sir J.
Forman, T. S.	Vesey, hon. T.
Fox, S. L.	Villiers, hon. C.
French, F.	Wilbraham, hn. R. B.
Fuller, A. E.	Williams, T. P.
Gaskell, J. Milnes	Wood, C.
Gladstone, Capt.	Wood, G. W.
Goulburn, rt. hn. H.	Young, J.
Graham, rt. hn. Sir J.	
Grimston, Visct.	TELLERS.
Grosvenor, Lord R.	Worsley, Lord
Hodgson, F.	Fitzroy, H. .

*List of the NOES.*

Berkeley, hon. C.	Knatchbull, rt. hn. Sir E.
Blake, M. J.	Lockhart, W.
Bowes, J.	Napier, Sir C.
Broadley, H.	Nicholl, rt. hn. J.
Brotherton, J.	Norreys, Sir D. J.
Clive, Visct.	Pakington, J. S.
Clive, hn. R. H.	Richards, R.
Colville, C. R.	Rolleston, Col.
Denison, E. B.	Russell, J. D. W.
Duff, J.	Thornely, T.
Duncan, G.	Towneley, J.
Duncombe, T.	Vane, Lord H.
Egerton, W. T.	Wallace, R.
Ewart, W.	Ward, H. G.
Ferguson, Sir R. A.	Wawn, J. T.
Gibson, T. M.	Williams, W.
Gore, W. O.	Wilshere, W.
Greene, T.	Wodehouse, E.
Hall, Sir B.	Wood, Col. T.
Hamilton, G. A.	
Hayes, Sir E.	TELLERS.
Hindley, C.	Hume, J.
Hope, G. W.	Liddell, hon. H. T.

Main question agreed to. Bill went through committee. Report brought up to be further considered.

**MEDICAL CHARITIES (IRELAND.)]**

On the question that the Speaker do leave the Chair to go into a committee on the Medical Charities (Ireland) Bill,

Mr. *F. French* said, he had not anticipated that her Majesty's Government would carry their hostility or their indifference to the interests of Ireland so far as to oppose going into committee on the sole remedial measure relating to that country at present before Parliament. He had not anticipated that they would endeavour to render the proceedings of the select committee, appointed at a very considerable expense to the country to inquire into the state of the medical charities in Ireland, as abortive, as the noble Lord the Secretary for that country had contrived to render their report. He had not anticipated that because the abuses of the system under which medical relief was administered to the sick poor in Ireland were not to be remedied in the objectionable manner proposed by the noble Lord, that the fiat of her Majesty's Government was about to go forth that they should not be remedied at all. Whether their powers of obstruction would ultimately prove equal to their inclination remained to be seen. He for one did not rate their strength as highly as they did themselves. Placed in power by the united exertions of three great parties—the Irish Conservatives, the opponents of the New Poor-law, and the English agriculturists, how did they at present stand in respect to each of these bodies? The support they received from the Irish Conservatives proceeded more from shame than affection; the most sanguine adherent of the present Government could hardly, after the course they had adopted, anticipate any future support from the opponents of the Poor-law, and he believed the divisions on the Canada Corn Bill had clearly shown that more of the agricultural party than the Honiton farmer “had discovered there was a worse devil in existence than Lord John.” His object in asking the House to go into committee on the bill was threefold—immediate legislation, central control, and medical inspection; and he should endeavour from the evidence to show he did not seek for anything unreasonable, or to

which any fair objection might be made. [The hon. Member quoted the report of the committee on Medical Charities (Ireland) to show that the bill was required.] If public opinion is of any weight, this question ought long since to have been settled. The committee appointed this session to report on the Irish medical charities advised a certain plan of legislation, but conceived that, considering the difficulties which at present prevail with respect to the administration of the Poor-law, they cannot advise the immediate adoption of any part of the plan but that relating to the appointment of the central board and inspectors. They went on to say,

“The witnesses examined before your committee, whilst differing on other particulars, are unanimous in recommending the establishment of inspection; and your committee would observe, that the preliminary inquiries and suggestions to be made in the progress of such inspection will tend to render more satisfactory and complete the other parts of the plan they offer as a substitute for the present mode of maintaining and administering the medical charities of Ireland.”

These resolutions were agreed to by the committee, and, as a matter of course, would have been reported by him as chairman of the committee to the House the same evening; but it was proposed they should be read over the next day, as several amendments had been introduced, to see that there was nothing contradictory in them. On this understanding he left town, and he was surprised to learn by a letter from his hon. Friend the Member for the University of Dublin, that the noble Lord had managed in his absence that those resolutions, though agreed to, should not be reported to the House. He was not about to pursue a course to which the noble Lord had already objected that of complimenting him at the expense of his Colleagues. Was he disposed so to do, which he frankly admitted he was not, he knew no subject save his personal courtesy on which he could be complimented. The noble Lord owed his official station, according to the more than once repeated declaration of the right hon. Baronet at the head of her Majesty's Government, to his having thwarted the views of that right hon. Gentleman when leader of the Opposition in that House; and, certainly, the noble Lord seemed well disposed to pursue a course, which, in his solitary case, had led to place and power,

by disregarding as much as possible the views, as shown in the case then before them, and the claims, as heretofore shown in his conduct to the late Mr. West, of his political supporters in Ireland. The right hon. Baronet had declared himself well satisfied with his selection; was the right hon. Baronet the only person to be satisfied? Was that right hon. Gentleman placed in power for his personal gratification? Did he not conceive, in the words of an eminent writer of the present day,—

“There might be danger in showing to men, that to have served you, was discouragement, to have warred against you was guerdon and grace.”

Short as the time was which the noble Lord had been in office, he had managed to estrange from his Government the affections of the Conservative party in Ireland to an extent scarcely possible to have been contemplated, and this he had done without conciliating one single individual amongst his political opponents. The sole acts by which the noble Lord was known in Ireland, were, his identifying himself with the Poor-law commissioners, his taking on himself their unpopularity, his placing himself in direct and hostile collision with a powerful body, whom from their education, their abilities, their personal influence, scattered as they were throughout the country, it was most desirable at the present crisis to have conciliated—the medical profession, a body no statesman would have neglected. In this, and his ungracious attempt to exclude from the representation of the University of Dublin one to whom his party owed much, who had spent thousands and tens of thousands in battling for the Conservative cause at a time the return of that party to power seemed hopeless—one of whose support any Government might justly feel proud—he rejoiced to say that the noble Lord had failed in every thing. The medical profession and the public with one voice indignantly rejected his attempt to degrade the profession, to sever the sole remaining links between rich and poor in that already too-much divided country—to place the medical charities in Ireland under the heartless control of the Poor-law commissioners. Ingratitude, come from what quarter it may, found but little favour in Ireland; notwithstanding the admitted claims, the acknowledged professional abilities of his right hon.



Friend the Attorney-general—claims which were he unconnected with the noble Lord, would have rendered him a formidable competitor for the representation of the University—coming forward, as he was supposed to do, the nominee of an ungrateful Government, he was unable to muster sufficient force to appear at the hustings. In that House had the noble Lord originated, or even supported, one single conciliatory measure for Ireland; amongst his twenty-three bills he claims but two—the Drainage and Fishing acts to have been of this nature—measures he found left behind by the Whigs, the success of which is yet to be proved, the advantages of which are more than doubtful. Every proposal to improve the condition of the people, ay, or even to inquire into admitted grievances, has experienced the hostility of the noble Lord. It is true that he assisted in calling into existence the liberal corporations of Ireland; but in the bill whereby this was effected, provisions are contained which in most cases leave these corporations without any corporate functions to execute, a grievance which he has taken no step to remedy. The right hon. Baronet considered that those would become normal schools of agitation. The most ready method has been taken to make them so, by leaving them little else than political subjects upon which to bestow their attention and occupy their official existence. The noble Lord refused information even as to the principle upon which the unjust and unequal taxation for the improvement of the Government property on the river Shannon was thrown upon the adjacent counties. He refused inquiry into the reckless extravagance and gross mismanagement of the Poor-law commissioners. He refused his assistance to obtain for Ireland a system of railway communication; and the consequence was, that the English capital, which, with a little encouragement from Government, would have been employed in those works, had been invested in similar works in France and other countries. He refused within these few days to consider in committee the state of Ireland, although the condition which that country has reached under his Administration has been allowed on all hands to be deplorable. The only measures, in fact, which the noble Lord can claim as his own, are the Poor-law Evil-Aggression-Act, and the Arms bill destined to go down to posterity branded

with his name. However largely the noble Lord may have contributed to his Sattanic Majesty's pavement, he asserted without fear of condition that he had neither passed nor attempted to pass any measure to develop the resources of the country, to improve the condition of the people, to remedy existing grievances, or to allay the discontent admitted justly to follow from them. And discontent must continue to exist in Ireland, as long as that country is made the refuge for political inexperience—for untried capacity—as long as the head of every department there, to throw them back their own term, is to be an alien—as long as the opinions of her representatives are to be despised or disregarded. But the inexperience or inefficiency of the noble Lord could not be considered as an excuse for the right hon. Baronet at the head of her Majesty's Government. He himself had been Secretary for Ireland; the noble Duke the Commander-in-Chief of the Forces, the noble Lord the Secretary for the Colonies, the right hon. Gentleman the Chancellor of the Exchequer, the right hon. and gallant Officer the Secretary at War, all served in the same capacity. There was no want of experience or information on Irish subjects in his Cabinet, were he disposed to avail himself of them. The right hon. Baronet had stated, that Ireland would be the chief difficulty of his Administration. Was it not to be expected as a matter of common sense that he would in the first instance have turned his attention to that country? that he would have looked his difficulties in the face, and have endeavoured to obviate or have prepared to meet them? But, no, the right hon. Baronet was so engaged in preparing his uncalled-for Tariff, that he had not a moment of leisure to bestow on Ireland or her affairs. He was so busily employed unsettling everything, he had no time to settle anything; and for the first time he turns his almost bewildered attention to that country, when he believes insurrection to be thundering at his gates. Before he sat down he (Mr. French) would ask the right hon. Baronet the Secretary for the Home Department if he considered it fair to assent to the appointment of a committee, at a considerable expense to the country, if he had beforehand determined not to avail himself of any information they might collect? Did he consider it fair to allow men in high

professional practice to be summoned as witnesses from Ireland at a great pecuniary loss to themselves, probably from 200*l.* to 300*l.* each, if their opinions were not to be attended to? Did he consider it fair to ask Members of that House to sit for six or seven weeks in committee, if the resolutions they agreed to were to be treated merely as waste paper? Did he conceive that declining to remedy acknowledged abuses, and refusing permission to another to do so, was a course likely to lead the Irish people to imagine that their interests were fairly attended to in the Imperial Parliament, or to allay the excitement, daily—hourly increasing in favour of repeal of the legislative union between the two countries? The hon. Member concluded by moving that the Speaker do now leave the Chair.

Lord *Eliot* said, he should oppose the motion, because he did not think the bill would realise the object the hon. Member had in view, and would entail considerable expense upon the country.

An hon. Member moved that the House be counted, and forty Members not being present, the House adjourned.

## HOUSE OF LORDS,

Thursday, July 20, 1843.

MINUTES.] *BILLS.* Public.—1<sup>a</sup>. Cathedral Churches (Wales); Presbyterian Marriages (Ireland).

Private.—1<sup>a</sup>. Infant Orphan Asylum; Rochdale and Manchester Roads; Cromford and Belper Road.

2<sup>a</sup>. Dundee Harbour.

Reported.—Paisley Municipal Affairs; Hambro's Naturalization.

3<sup>a</sup>. and passed:—Sutherland Roads.

PETITIONS PRESENTED. By the Marquess of Downshire, from Cavan, and a Methodist Society, against the Repeal Agitation.—By the Marquess of Clanricarde, from Edenderry Union, against the Poor-law Commissioners.—From Cashel, and Emly, for Encouraging Schools in Connexion with the Church Education Society.—From Ledbury, in favour of the County Courts Bill.—From several Individuals, for an Improved System of Church Government.—From the Clergy of Deddington, and Banbury, for alteration of the Law respecting the Interment of Persons who have only received Lay Baptism.

PRESBYTERIAN MARRIAGES.] The Lord Chancellor brought in a bill to legalize such Presbyterian marriages in Ireland, as had already taken place. From the circumstance that he laid this bill upon the Table, it was not to be inferred that the committee whom on this occasion he represented did not mean to recommend some more general law; but in consequence of the great anxiety on this matter in Ireland, they had considered that it was necessary to take some step immediately. They were pro-

ceeding with their inquiries, and would suggest hereafter such a permanent measure as might appear necessary. At present he would move only that the bill be read a first time, and to-morrow he would move that the standing orders be suspended to it, and the bill passed through the other stages.

Lord Campbell called the attention of the House to the fact that their Lordships had not judicially decided concerning the legality of these marriages. This it was fit to state in the very first stage of the bill. What had been done was, that the judges having been consulted by the House on the point, had given their opinion, but the House had not yet taken that opinion into consideration. Hence it was evident that it was still quite an open question, whether these marriages were or were not valid, upon which he himself intimated no opinion.

Lord Brougham entirely concurred in this view. A mistake had gone abroad that the question was no longer open to the decision of the House in its judicial capacity. Some of the judges in Ireland appeared to have adopted this error.

Bill read a first time.

POOR-LAWS (IRELAND).] The Marquess of Clanricarde rose to draw the attention of the House to the circumstances detailed in the petition, relative to the Edenderry Union, and to submit his motion for the production of certain papers connected with this case. He believed that this case would afford the best possible illustration of the working of the Poor-law in Ireland, so far as that law had as yet been brought into operation. The facts of the case were simply and briefly these:—The Poor-law Commissioners, in making their arrangements for the introduction of the law, had come to the determination of building an union workhouse at Edenderry, and in pursuance of that resolution they sent down an authorised person to select a site, and make the other necessary arrangements for the erection of the proposed building. The board of guardians attended to assist the persons so sent down by the commissioners, and in discharge of their duty they represented to him that the site he had chosen was an improper one—that it was in a situation which could not afford a proper supply of water, and which would render proper



sewerage of the House impossible. In spite of all the information thus given, and the strong remonstrances made by the board of guardians, the officer of the commissioners persevered in his selection, the commissioners confirmed it, and the house was built. The result justified the objections of the guardians, for since the erection of the house considerable expense was incurred for bringing water from a distance for the ordinary daily uses of the house; and the report of the medical inspectors stated that the cess-pool was in such a state as to be most injurious to the health of the poor. All this was done against the wishes and in contempt of the representations of the board of guardians. Again, a contract had been entered into for building the house for the sum of 5,600*l.*, to which was subsequently added the further sum of 1,100*l.* for fixtures and other contingencies. By the terms of the contract the house was to have been completed, and possession given to the board of guardians on the 1st of May, 1840. It was not completed until December, 1841, when possession was obtained by the guardians, who thereupon raised money to liquidate the debt for building, and paid off the whole sum of 6,700*l.*, including the additional 1,100*l.* before named. But in Oct. 1842, the commissioners, finding, he believed, that in consequence of the way in which the work was done—defects and inconveniences existed—issued their order to the guardians to raise a further sum of 1,250*l.* for new or additional works. To this the board of guardians very naturally and reasonably demurred, as being grossly unjust, as fixing on them and the union a great expense, which, if necessary, had been rendered necessary only by the conduct of the commissioners themselves. The commissioners applied to the Court of Queen's Bench in Ireland for a *mandamus* to compel the board of guardians to raise the required sum. The guardians met them fairly in court. The case was fully heard, but judgment was not immediately pronounced. But the whole of the facts, the whole of the argument, and the law, were so clearly and convincingly laid down, that although judgment was delayed, it was perfectly notorious that, when pronounced, it would be, and must be, in favour of the guardians. How did the commissioners act? Before the judgment of the court was pronounced, while

as yet the case was in fact before the court, they, being fully aware of what that judgment would be, sought to evade it. They rescinded that order for raising the 1,250*l.*, although their application for a *mandamus* had been founded on an affidavit sworn to by one of their own commissioners, and tried to overrule the order, and annul the judgment of the Court of Queen's Bench, by substituting a new order on the guardians for a similar amount. The Court of Queen's Bench gave judgment, he believed in April, in favour of the board of guardians and against the commissioners. But in the interim the commissioners had prepared and issued their second mandate, in order apparently to evade the consequences of the judgment, and to oppress the union in an iniquitous and illegal way, and compel the guardians to raise the required sum. He contended that the commissioners had no right to issue any such order after the workhouse had been handed over to the board of guardians: up to that time they certainly had the power by law. He asked the House for the papers in this case because it was most necessary that their Lordships should have them before them, when they came to consider the law in its amended form, and to discuss the contemplated changes, and the alterations that would be suggested. Those papers would justify all the objections which he and other noble Lords had urged against giving to the commissioners those extravagant powers, which they feared would be greatly abused. In giving judgment in this case, Mr. Justice Burton had said that the judgment was delayed in consequence of an intimation from Government that it would be expedient, under then existing circumstances, that it should be so delayed. From this it was plainly to be inferred, that a correspondence had taken place between the Government and the commissioners on the subject. The noble Marquess concluded by moving an address for copies of all communications between the board of guardians of the Edenderry Poor-law union and the Poor-law commissioners, relating to the cost of the Edenderry poor house, and to loans to be raised for defraying such cost.

The Duke of *Wellington* admitted, that when the Irish Poor-law Amendment Bill was before the House, it would be a very proper time for examining the powers of

the commissioners, and for considering what checks upon those powers ought to be imposed. He had no objection to the production of the papers.

The Earl of *Glengall* wished to assure their Lordships, that the case now brought before them was by no means a solitary one. It was not the only instance in which the administration of the Poor-law in Ireland had been characterised by indiscretion and despotic exercise of power. He wished to call the attention of her Majesty's Government to a circumstance of very great importance, considered with regard to the administration of the law. He alluded to a statement which had been going the round of the newspapers, that two gentlemen had just been appointed under the Poor-law commissioners, to inquire into the circumstances attending the prevalence of fever in Ireland. Of those gentlemen, one, he believed, had been a Poor-law assistant commissioner—the other, if not strictly speaking an assistant commissioner, had at least been also employed in the Poor-law department. One was a medical gentleman—the other had been, and he was not sure that he was not still, an assistant commissioner. Now, if the statement were correct—and he saw no reason as yet to doubt its correctness—and if both those gentlemen were to be placed in the same position as the other assistant commissioners, then there would be imposed on the country an additional sum of 1,400*l.* a-year, and imposed for what? To inquire into the state of fever in Ireland. Of what possible use could such an inquiry be now? He affirmed—and no man had a better opportunity of knowing the fact—that never in the memory of any man living was there a period marked by so little of fever. During the last three years they had most extensive and searching inquiries, and most voluminous evidence and reports, on that subject, all of which confirmed his opinion. But, supposing these reports insufficient, if the Government had been desirous of obtaining further information as to the actual state of fever at the present time, they had a prompt and most effective mode of obtaining that information, without cost to the country, for nothing would have been more easy than to have addressed a circular letter to the 800 doctors of dispensaries and fever hospitals scattered all over the country; and in the course of a single week they would have

had 800 replies, conveying all the required information. Nay, they could have added to that effective force the doctors of the 130 Poor-law unions that now, unfortunately, he feared, existed in that country. Between those dispensary, fever hospital, and Poor-law unions, there was the truly formidable force of no fewer than 930 doctors saddled on Ireland! Just let noble Lords think of it—930 doctors! That was a fearful state of things enough, and some suspected that there was a good deal of jobbing connected with those said doctors and dispensaries. At all events, if the statement was a fact—if those two appointments had been made, and made under such a pretext—then he must say that so gross a job had neve fallen under his notice. But if those parties were to receive emoluments, and to enter on inquiries, let them not be busied where no inquiry was wanted, where no evil existed—let them, if they must be grievance-hunting, institute an inquiry into something that was a grievance, into something that was felt to be an evil and a disease that required doctors' aid. Let them inquire into the epidemic that prevailed among cattle, and let them report, on its causes and cure, He doubted whether the Gentlemen alluded to were competent to undertake the useful inquiry he suggested, and he could now only express a hope, that on next Monday their Lordships would be vouchsafed some information respecting this inquiry into a state of things upon which they were all quite well informed already.

Lord *Wharncliffe* rose merely to make one observation with respect to the amended order, to which the noble Marquess had alluded—the order for raising the additional sum of 1,250*l.* It appeared that, in the first order issued by the commissioners, there was a technical informality, on which judgment in the Queen's Bench must have been against them. The order was, therefore, issued in an amended shape, and the question was now, supposing the order to be strictly and technically formal, whether the commissioners had the power, under a particular clause of the Irish Poor-law Act, to issue such an order for levying money, and to compel obedience.

The Marquess of *Clanricarde* said, that what had fallen from the noble Lord opposite, only tended to show that they ought to have the orders alluded to laid on the Table, and if possible the affidavit



also of the assistant-commissioner. It was quite certain that the commissioners had unlimited power over all matters connected with the workhouse, until it was given up to the board of guardians. In attempting to levy money for the house after it was given up to the guardians, the commissioners were too late—too late in law, too late in justice, too late in fact. They found that they were so; and what did they do? They amended their order so as to make it appear that the expenditure of this 1,250*l.* had taken place before the house had been given up. It was then a most important consideration whether the commissioners had, or ought to have, a power so liable to abuse, by virtue of which, and by means of an amended order, they could defeat the provisions of law and the requirements of justice. To the union of Edenderry it was, perhaps, of no great comparative importance that it should have to pay a sum of 1,250*l.*; but it was a matter of importance that justice should be done; it was a matter of vast importance as regarded the future operations of the law, and in its effects upon the country at large.

Lord Carbery was convinced that the whole law must be revised. The law must be either a blessing or a curse—he feared that, hitherto, it had been only the latter. The mode of its administration had excited great discontents, and the disturbances and loss of life which some time ago took place in his part of the country, was one of the sad results. The people were really anxious for a fair and equitable provision for the poor, and to such they would give most cheerful support; but seeing money taken from their pockets without their consent—seeing it expended without their concurrence, or the concurrence of their natural representatives and protectors—expended lavishly and without any real benefit to the poor themselves—they were not unnaturally nor unreasonably discontented, and demanded a change either in the law or in its administration. He hoped such alterations would be made as would bring the law into favour, and make it operate beneficially to all classes.

The Duke of Wellington wished that his noble Friends would communicate with the noble Lord, the Secretary of State for Ireland, the nature of the amendments they wished to have introduced into the bill, and the grounds for those amend-

ments, and then if they should not be introduced while the measure was before the House of Commons, it would be competent for his noble Friends to propose them when the bill came before them.

Motion agreed to.

Their Lordships adjourned.

## HOUSE OF COMMONS,

Thursday, July 20, 1843.

MINUTES.] NEW WRIT. For Ayrshire, in the Room of Viscount Kelburne, now Earl of Glasgow.

BILLS. Public. 1<sup>o</sup>. Church of Scotland; Moveables (Scotland); Controverted Elections; Prison Discipline; Militia Ballot Suspension.

2<sup>o</sup>. Mandamus Appeals; Warrants of Attorney.

Reported.—Fines and Penalties (Ireland); Court of Exchequer (Ireland).

3<sup>o</sup>. and passed:—Appeals, etc., Privy Council; Woollen, etc., Manufactures.

Private.—2<sup>o</sup>. Saggart Commons Award.

Reported.—Jackson's Divorce.

3<sup>o</sup>. and passed:—Dowager Countess of Waldegrave's Estate; Infant Orphan Asylum.

PETITIONS PRESENTED. By Mr. W. Williams, from Coventry, for Remission of the Sentence on T. Cooper, and other Chartists.—By Sir G. Clerk, from the Convention of Royal Burghs (Scotland), and from Musselburgh, against the Prisons (Scotland) Bill.—By Mr. S. Wortley, from Keighley Union, for Altering the Bastardy Clauses in the New Poor-law.—By Captain Archdall, from Fermanagh, in favour of the Irish Arms Bill.—By Mr. M. Gibson, from Cambridge, in favour of the Scientific Societies Bill.—From Liverpool, for Altering the Act relating to the Merchant Seamen's Fund.—From Ledbury, in favour of the County Courts Bill.—From several places, against the Factories Bill.

EASTERN STEAM NAVIGATION.] Dr. Bowring observed that, to some extent, steam navigation had been established with the ports of Smyrna and Constantinople, and it had been recommended that it should be extended to Syria, the merchants of which were wholly without the means of steam communication. He wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether it was proposed to make this extension?

The Chancellor of the Exchequer replied that about a year and a half ago a proposition was made to the Government to carry the mail direct from this country to Constantinople and Smyrna at an expense of 20,000*l.* or 30,000*l.* a year, but though the conveyance of letters was an important object, yet the more important reason for steam being employed was to enable the merchants of this country to send goods in answer to orders from Constantinople; and considering that it was foreign to the duty of the Post-office to make an arrangement under pretext of carrying the mails, which would pay for the transport of manufactures, the Govern-

ment had declined the offer. A short time since another proposition for a direct communication was made at a considerably reduced rate of expenditure, which, if it were complied with, would diminish the advantages we enjoyed of communication with Oporto and Cadiz. In the interval, however, the Government had provided a more rapid mode of communication between this country and Constantinople and Smyrna. The last communication was under consideration as there was considerable difficulty in balancing the advantages of a direct communication with Constantinople and Smyrna, and the advantages of a communication with Oporto and Cadiz.

Dr. *Bowring* understood that for an expense of from 5,000*l.* to 7,000*l.* a year we could have the advantage of a direct communication with Turkey Proper.

PUBLIC BUSINESS—WITHDRAWAL OF MEASURES.] On the motion that the Orders of the Day be read,

Sir *R. Peel* said, that he would take that opportunity of intimating to the House, as far as he was able, the course which the Government would pursue with respect to certain bills which stood on the notice book of the House. If hon. Gentlemen would refer to the Orders which stood for that day, they would find that there were twenty-four Orders of the Day: and although the number was very great, yet, with respect to several, he had no doubt the bills would proceed with little difference of opinion. That class of bills was rather at the end of the list. With respect to all the bills after No. 11, the Ecclesiastical Courts Bill, he did not think that the thirteen bills would create any material difference of opinion, or cause obstruction. He had now to state which were the bills with which the Government were most desirous of making progress; and with respect to the others, their progress must depend upon the advance of those deemed of the greatest importance. The bills which the Government considered of the most importance were the Arms (Ireland) Bill, the Scottish Church Bill, the Irish Poor-law Bill, and the Export of Machinery Bill. He was very desirous of being able to pass those bills. Of course it was difficult for him to be aware what the progress of those bills would be, but he thought it probable that they would occupy so much of the

time of the House that it would be difficult to expect full attention in that and the other House of Parliament to the Ecclesiastical Courts Bill. Her Majesty's Government were perfectly prepared, if there had been time to proceed with that bill, but they could not think that at this late period of the Session the bill would receive the full consideration of the House of Lords, even if it should pass that House. Then, with respect to the Factory Bill; he had received a communication from parties opposed to the bill stating a strong wish either that the bill should be carried forward without delay, or that it should be postponed to another Session. Now, he could not undertake to bring forward that measure at an early day, and, therefore, with respect to the Ecclesiastical Courts' Bill and the Factory Bill, he was prepared to say, they should be postponed to a future Session. With respect to the County Courts Bill, her Majesty's Government were very unwilling to abandon the hope that they would be able to pass it through the House. He believed that there was throughout the country a strong desire that a measure for facilitating the collection of small debts and for the amendment of the administration of local justice should pass. Although the progress of the County Courts Bill would depend upon other bills, still he should be sorry to announce the intention of the Government then to abandon it. On that bill he believed depended two other bills, the Small Debts Bill and the Superior Courts Common Law Bill, two bills brought in by hon. and learned Gentlemen on the other side of the House, and their progress would be decided by the ultimate decision of the Government and of the House with respect to the County Courts Bill. With respect to the Designs Copyright Bill, he believed there would be no material difference of opinion on either side of the House. The Law Courts (Ireland) Bill might provoke some discussion, if that should be the case, he should be inclined to postpone the further consideration of the measure. It was founded on a report, and would save considerable money, and would also prevent the substitution of young lives for old in offices of considerable emolument. He believed he had made the course of her Majesty's Government sufficiently intelligible. They proposed to give precedence to the Irish



Arms Bill, to the Scottish Church Bill, to the Irish Poor-law Bill, and the Exportation of Machinery Bill. He had also to announce on their part, that they intended to postpone for the present Session the Ecclesiastical Courts Bill, and the Factories Bill, and he believed he might add the Law Courts (Ireland) Bill; and with respect to the County Courts Bill, he should postpone till some future day the announcement of her Majesty's Government in respect to that measure, which was one they were very unwilling to abandon.

Lord *Ashley* hoped the House would not consider him either captious or querulous when he announced his deep regret that the Government had postponed the Factories Bill for the present Session. After having devoted a period of ten years to the subject, it was natural that he should feel in it much interest. But since it was necessary for the purposes of the Government that other measures should be taken before that, and as the bill would in that case be discussed in the middle of August, in a House of forty or fifty Members, he did not think, that that consideration could be given to the subject this Session which its importance demanded. He should, however, take that opportunity of expressing a hope that the bill would be brought forward at an early period—he trusted he might add, at a very early period—in the next Session.

Mr. *Brotherton* begged to suggest to the right hon. Baronet (Sir Robert Peel) that, considering the approach of the termination of the Session, it would be exceedingly convenient, that those measures to which no opposition was intended to be offered should be forwarded in their respective stages in the course of the half hour preceding the commencement of public business, namely, from half-past four to five o'clock.

Lord *John Russell* begged to support the suggestion of the hon. Member for Salford, so far as those measures were concerned, which had reached the third reading. He did not desire, that this course should be adopted this evening, because there had been no notice of the proposition; but he thought, that the suggestion was worthy of consideration.

LUNATIC POOR.] Lord *Ashley* would take this opportunity of calling the attention of the right hon. Baronet, the Secre-

tary for the Home Department, to a subject which demanded his serious attention and consideration—he meant the treatment of the lunatic poor. A system prevailed, he believed to a large extent, of retaining pauper lunatics in the workhouses, instead of sending them at once to the county asylums, thereby, in effect, causing great expense to the county. This was a subject on which the testimony of medical men had been obtained, and from their evidence it appeared that they had no doubt that one-half of the pauper lunatics of the country might be cured and restored to their friends, if they were immediately sent to the proper institutions provided for their reception. He should best exemplify his meaning by referring to a case, the particulars of which had been recently sent to him. He had received a letter from the chairman of a board of guardians in Dorset, from which it appeared, that a pauper had been ordered to be removed to the county asylum, in November, 1842, but that the relieving officer, who was charged with his removal, detained him in his care until April, 1843. In many cases, he was informed, that where an expense of 4*l.* or 5*l.* would be sufficient for the cure of a pauper, 200*l.*, 300*l.*, and even 400*l.*, were necessarily expended, and this expenditure was caused only by the inefficient discharge of their duties by the parish officers.

Sir *J. Graham* entirely agreed with his noble Friend, that the subject to which he had referred was well worthy of consideration. He did not imagine, however, that the law was defective, for he believed that it was imperative on persons charged with the maintenance of pauper lunatics to remove them immediately to the county asylum. Any omission of duty on such a head, in a paid officer, he had no hesitation in saying might be the subject of an indictment; in an unpaid officer the remedy would be more certain, for upon the facts being substantiated, he might be dismissed from his situation. If the noble Lord would forward to him the communication to which he had alluded, he assured him that the circumstances should be inquired into, and if they should prove to be as they had been stated there was no doubt that the officer would be immediately discharged.

Orders of the day read.

ARMS (IRELAND) BILL.] House in committee on the Arms (Ireland) bill. On the 24th clause; "justices may enter houses, on information that any person in possessions of arms without a license to keep the same."

Lord *John Russell* begged to make a remark on the general powers conferred by this clause upon justices in all parts of Ireland. The Government proposed by this bill to re-enact the existing law, and to require that all arms should be re-registered and marked. It appeared to him, that at the same time that the Government did this, they ought to take the opportunity of amending the existing law, and of very much restricting the powers now given to justices to search for arms. It was one thing to require all arms to be registered, but it was another thing to give to justices the formidable power to search for arms, and above all at night. By the 60th George 3rd, c. 2, which had given power to search for arms, it was provided, that the act should only extend to certain counties therein named; and it was said, that if there were any other places to which it was necessary that the powers of the act should be extended, it should be lawful for his Majesty, from time to time, on the representations of justices, by proclamation directed by the advice of the Privy Council, to provide that its enactments should be applied to those places. With respect to the power given to justices to enter houses at night in search of arms, which on some occasions, excited the greatest irritation, and feelings of odium against the persons who put it in force, it should, he thought, be confined to those counties in which there was reason to believe outrage and disturbance existed. There were certain counties, disturbed by no outrages, in which it would be exceedingly unwise to use the powers conferred by this bill; and therefore he thought that it would be better to suffer a single instance of non-registration of arms to pass unnoticed, supposing general tranquillity to prevail, rather than interfere with the general liberty of the subject for the sake of punishing a single offender. He should say, that the same rule ought to be adopted in this instance, with respect to those counties which were tranquil, and that it would be better, that the Lord-lieutenant should have the power to declare, in council, that

any counties or baronies not included in the operation of the bill should be submitted to the operation of its provisions. He would rather bring forward this proposition in a substantive form at a future period than now, but he now gave notice that he would hereafter move an amendment.

Lord *Eliot* thought that the noble Lord could not have been present the other night when the amendment of the hon. Member for Weymouth was discussed, which he understood was drawn up by the right hon. Member for Clonmel, and it was at complete variance with the amendment of the noble Lord. If the noble Lord's suggestion were adopted, persons would conceal their unregistered arms in districts remote from the scene of disturbance.

Lord *J. Russell* did not believe there was any variance, as the noble Lord supposed, between his opinions and those of his right hon. Friend the Member for Clonmel. His right hon. Friend, by the amendment which he drew up, wished to bring this bill as nearly as possible to resemble the present law, and acting on that view, his proposition was made, which, however, did not receive the approbation of the House. The question, then, was, whether the House should not be asked to apply the act which existed in 1819 relative to arms in England. This was certainly a very stringent law, and was thought by many to be contrary to the liberty of the subject, but it was only made to extend to seven or eight counties. That act gave the power to the King in council to proclaim particular districts in those counties, but it was not made to apply to Kent, or Devonshire, or other places. He did not conceive persons would go to a distance to conceal their arms, or that a man for that purpose would go from Tipperary to Down and Armagh.

Lord *Eliot* observed that most of the murders committed in Ireland were perpetrated by persons who were hired from a distance. It did not, therefore, follow that because a crime was committed in Tipperary that the arms with which it was committed were secreted in that county.

Mr. *Ross* moved, that after the word "except," shall be inserted "within a proclaimed district and." He considered that, at least, the provisions should only apply to those parts of the country which were actually disturbed.



The committee divided on the question that "those words be inserted." Ayes 30; Noes 100; Majority 70.

The committee again divided on the question, that the clause as amended stand part of the bill:—Ayes 81; Noes 26; Majority 55.

*List of the AYES.*

Ackers, J.	Hope, hon. C.
Acland, Sir T. D.	Hope, G. W.
A'Court, Capt.	Hornby, J.
Acton, Col.	Hussey, T.
Allix, J. P.	Ingestre, Visct.
Archdall, Capt. M.	Jones, Capt.
Arkwright, G.	Kemble, H.
Attwood, M.	Knatchbull, rt. hn. Sir E.
Baillie, Col.	Knight, F. W.
Baillie, H. J.	Lefroy, A.
Baring, hon. W. B.	Lincoln, Earl of
Benett, J.	Lockhart, W.
Boldero, H. G.	Manners, Lord C. S.
Borthwick, B.	Newdigate, C. N.
Botfield, B.	Northland, Visct.
Boyd, J.	O'Brien, A. S.
Broadley, H.	Pakington, J. S.
Buck, L. W.	Peel, J.
Buckley, E.	Plumptre, J. P.
Buller, Sir J. Y.	Pollington, Visct.
Chute, W. L. W.	Pollock, Sir F.
Clive, hon. R. H.	Praed, W. T.
Colville, C. R.	Richards, R.
Corry, rt. hon. H.	Sheppard, T.
Courtenay, Lord	Smith, rt. hon. T. B. C.
Douglas, Sir C. E.	Somerset, Lord G.
Eliot, Lord	Stewart, J.
Escott, B.	Sutton, hon. H. M.
Ferguson, Sir R. A.	Tennant, J. E.
Flower, Sir J.	Thornhill, G.
Forman, T. S.	Trench, Sir F. W.
Gaskell, J. Milnes	Trollope, Sir J.
Gladstone, Capt.	Trotter, J.
Gordon, hon. Capt.	Vesey, hon. T.
Goalburn, rt. hon. H.	Vivian, J. E.
Graham, rt. hn. Sir J.	Williams, T. P.
Hamilton, G. A.	Wodehouse, E.
Hardinge, rt. hn. Sir H.	Wood, Col.
Hardy, J.	Young, J.
Herbert, hon. S.	
Hervey, Lord A.	TELLERS.
Hodgson, R.	Fremantle, Sir T.
	Pringle, A.

*List of the NOES.*

Archbold, R.	Norreys, Sir D. J.
Barnard, E. G.	O'Connor Don
Blake, M. J.	Ross, D. R.
Blewitt, R. J.	Smith, B.
Brotherton, J.	Stuart, W. V.
Duncan, G.	Thornely, T.
Dundas, Adm.	Tuite, H. M.
Ewart, W.	Turner, E.
Fitzroy, Lord C.	Wall, C. B.
Gore, hon. R.	Wallace, R.
Hatton, Capt. V.	Wawn, J. T.
Mitchell, T. A.	Williams, W.

Wyse, T.  
Yorke, H. R.

TELLERS.  
Clements, Visct.  
O'Brien, W. S.

On clause 25; "two justices, having reasonable grounds of suspicion that arms are unlawfully kept in any county, may report to the Lord Lieutenant, who may, by warrant, order a general search."

Lord Clements objected to intrusting such a power to two justices, and contended that it should only be intrusted to the justices meeting at sessions. He was afraid that a district might be proclaimed without sufficient cause. He would not only have the power limited to the magistrates in Sessions, but he would require the Lord Lieutenant only to issue such an order after deliberating in council. He moved to leave out the word "two."

Lord Eliot said, that the clause did not give power to the magistrate to proclaim the district, but only to report to the Lord Lieutenant. At the same time he must inform the noble Lord that the clause was in the other bill, and had never been complained of.

Amendment withdrawn.

Lord Clements moved to insert the words "in council," with a view of preventing the Lord Lieutenant from proclaiming any district except in council.

The committee divided on the question, that the words be inserted:—Ayes 21; Noes 63; Majority 42.

Clause agreed to.

On clause 26, persons in whose possession a pike head may be found liable to be convicted of a misdemeanour.

Mr. Smith O'Brien objected to the severe penalty of transportation imposed for the possession of a pike.

Mr. M. J. O'Connell moved to omit the words "transportation for seven years," and insert the words "for the first offence imprisonment not exceeding twelve calendar months, and for the second and every subsequent offence imprisonment for three years."

Amendment agreed to.

The committee divided on the question, that the clause as amended stand part of the bill. Ayes 82; Noes 24: Majority 58.

*List of the AYES.*

Ackers, J.	Baillie, Col.
A'Court, Capt.	Baring, hon. W. B.
Acton, Col.	Boldero, H. G.
Arkwright, G.	Borthwick, P.

Botfield, B.	Marton, G.
Boyd, J.	Maxwell, hon. J. P.
Buckley, E.	Meynell, Capt.
Clive, hon. R. II.	Miles, W.
Colville, C. R.	Mitchell, T. A.
Douglas, Sir C. E.	Newdigate, C. N.
Douglas, J. D. S.	Nicholl, rt. hon. J.
Douro, Marquess of	Norreys, Sir D. J.
Ebrington, Visct.	Northland, Visct.
Eliot, Lord	Patten, J. W.
Escott, B.	Peel, rt. hn. Sir R.
Evans, W.	Peel, J.
Ferguson, Sir R. A.	Pollington, Visct.
Flower, Sir J.	Pollock, Sir F.
Forman, T. S.	Rolleston, Col.
Gaskell, J. Milnes	Round, J.
Gladstone, rt. hn. W. E.	Rous, hon. Capt.
Gladstone, Capt.	Scott, hon. F.
Graham, rt. hn. Sir J.	Smith, rt. hon. R. V.
Grogan, E.	Smith, rt. hn. T. B. C.
Hamilton, G. A.	Somerset, Lord G.
Hardinge, rt. hn. Sir H.	Stanley, Lord
Hardy, J.	Stewart, J.
Hervey, Lord A.	Stuart, Lord J.
Hodgson, R.	Stuart, W. V.
Hope, hon. C.	Stuart, H.
Hope, G. W.	Sutton, hon. H. M.
Howard, hn. C. W. G.	Tennent, J. E.
Hussey, T.	Tomlin, G.
Jones, Capt.	Trench, Sir F. W.
Kemble, H.	Trotter, J.
Knatchbull, rt. hn. Sir E.	Vesey, hon. T.
Knight, H. G.	Vivian, J. E.
Law, hon. C. E.	Wood, Col.
Lefroy, A.	Young, J.
Lockhart, W.	
Mackenzie, T.	TELLERS.
Mackenzie, W. F.	Fremantle, Sir T.
Marshall, Visct.	Pringle, A.

*List of the NOES.*

Archbold, R.	Power, J.
Blewitt, R. J.	Ross, D. R.
Brotherton, J.	Smith, B.
Cobden, R.	Trelawny, J. S.
Crawford, W. S.	Tuite, H. M.
Duncan, G.	Wakley, T.
Dundas, Adm.	Wall, C. B.
Esmonde, Sir T.	Wawn, J. T.
Ewart, W.	Williams, W.
Hall, Sir B.	Wyse, T.
Hatton, Capt. V.	
O'Connell, M. J.	TELLERS.
O'Connor, Don	O'Brien, W. S.
Plumridge, Capt.	Clements, Visct.

Clause agreed to.

On the question that clause 29, "No Arms, gunpowder, &c. to be imported into Ireland without license from the Lord-lieutenant," stand part of the bill. Committee divided—Ayes 89; Noes 21: Majority 68.

[We do not repeat the Lists, though the division took place on retaining the clause,

because the names were much the same as on the preceding division.]

On clause 30; "persons may import arms for personal defence, or sporting, on registering the same,"

Lord *Clements* opposed the clause, on the ground of the inconvenience it would cause to parties bringing arms into Ireland.

Lord *Eliot* replied that the peasantry, when returning from this country, were in the habit of surreptitiously taking arms with them to Ireland, and gentlemen must be content in order to put an end to this practice, to submit to some little inconvenience.

Sir *R. Ferguson* moved an amendment to leave out some words, and insert others, to the effect that notice of importing arms should be lodged with the clerk of the petty sessions, the chief of the constabulary, or the chief officer at the port where the party landed. It was a mistake to suppose that the peasants coming from England could bring arms. They generally brought nothing but a bundle.

The committee divided on the question that the words proposed to be left out stand part of the question—Ayes 106; Noes 41: Majority 65.

Clause agreed to.

On clause 34; "dealer in gunpowder not to sell gunpowder, except to a licensed dealer, or to a person licensed to keep arms."

Lord *Clements* moved to omit the words from "no person," in the second line, to "the district," in the ninth line, being the enacting part of the clause. The noble Lord said he should not trouble the House to divide, for it was no use in persisting, as the Government was bent on maintaining all the worst features of the bill. It was clear the Irish magistrates were to be considered as nothing else but scape-goats to bear the odium of the coercive measures introduced by her Majesty's Government, and to be made the tools under which the inquisitorial police was to coerce the Irish people. There was no use in making amendments in this abominable bill, but he should propose them to give the public an opportunity of seeing the true character of the measures proposed by the ministers.

Amendment negatived.

Mr. *W. S. O'Brien* moved to omit the words "require such person to produce a licence."

The committee divided on the question



that the words proposed to be left out stand part of the clause — Ayes 111; Noes 47: Majority 64.

On the suggestion of Mr. S. O'Brien, the penalties for the violation of the provisions of the clause were reduced from 10*l.* and 20*l.* to 5*l.* and 10*l.*

Sir R. Ferguson moved the omission of the words by which the forfeiture of the dealer's licence was incurred for a second offence.

The committee divided on the question that these words stand part of the clause. Ayes 101; Noes 41: Majority 60.

Clause as amended agreed to.

House resumed. Committee to sit again.

RELIEF TO THE WEST INDIA ISLANDS.] House in Committee.

The *Chancellor of the Exchequer* said that he rose to propose that the House should resolve itself into a committee, for the purpose of enabling him to propose a grant of Exchequer Bills towards the relief of the very great distress that had been produced in certain of our West India colonies by the late disastrous earthquake. The papers were on the Table, and hon. Members would be well able to see the frightful consequences produced in the course of a very few minutes by the earthquake, and they must also be aware of the admirable manner in which the labouring population had conducted itself in these colonies. He thought that it was impossible for the House to entertain a doubt that this calamity should be allowed to pass without making such a grant as he intended to propose. He intended to move that this grant should be made by an advance of Exchequer bills, the repayment of which was to be secured by the local legislatures passing a law for that purpose. He believed that under the circumstances the House would, without the slightest hesitation, come to the aid of these colonies. The amount which would be required altogether was between 200,000*l.* and 300,000*l.*; but he should propose that in the first instance the advance should not exceed 150,000*l.*, and the repayment of this was to be secured by the local legislatures. The right hon. Gentleman proposed a resolution to the effect, that her Majesty be enabled to issue Exchequer bills to an amount not exceeding 150,000*l.* for the relief of the distress caused by the late earthquake in

Antigua, St. Kitts, Nevis, and Montserrat.

Resolution agreed to.

House resumed.

PRISON DISCIPLINE.] Sir James Graham observed that it must be in the recollection of several hon. Members, that in consequence of a discussion which took place relative to prison discipline in the early part of the Session, he had been induced to state that it was impossible that the law on the subject should be allowed to remain as it was; and he added, that filling the office which he did, he should feel it to be his duty, before the end of the Session, to bring in a bill for the purpose of amending the law. He would at that late hour merely allude to one or two of the most important changes which he should propose. Representations had been made to him of the conduct of visiting magistrates and governors of gaols, and on these representations being made to him as Home Secretary, and being satisfied of their correctness, he had felt it necessary to express grounds of complaint, and to state that he entertained strong opinions on the subject of these complaints. He had therefore felt it to be his duty to represent to the various benches of magistrates that the Government thought that it was for the interest of the public that alteration should be made in the law in this respect. He should neglect his duty if he did not propose to give power to the Secretary of State to make or to rescind rules for the government of prisons. He believed, also, that it was desirable that power should be given to the Secretary of State for the Home Department to exercise control with the magistrates over the governor and the chief medical officer of each gaol. He regretted that he could not go at length into the grounds on which this rested, but Gentlemen he thought would find sufficient reason for this in reports of the inspectors of prisons. In addition to this, the House was aware that the Secretary of State, after every Hilary Sessions, had sent to him a copy of the rules drawn up by each bench of magistrates during the previous year, but if new rules were adopted they were not sent to him until the customary annual return; he should, therefore, propose, that if any rules relative to the prisons were adopted by the magistrates relative to the control or discipline of the prison, that

they should be sent to the Secretary of State without delay. He also proposed that an officer who now was appointed to inspect the buildings of prisons, should be placed under the Secretary of State, as the inspectors of prisons were. The right hon. Baronet concluded with moving for leave to bring in a bill for the amendment of the law relative to prison discipline.

Leave given, bill brought in and read a first time.

House adjourned at half-past one o'clock.

## HOUSE OF LORDS,

Friday, July 21, 1843.

MINUTES.] *BILLS. Public.*—1<sup>a</sup>. Woollen, etc., Manufactures; Landlord and Tenant; Schoolmasters Widows' Fund (Scotland) Validity.

2<sup>a</sup>. Marriages (Ireland).

*Committed.*—Sessions of the Peace.

*Reported.*—Scientific Societies.

3<sup>a</sup>. Episcopal Functions; Slave Trade Suppression (No. 2).

*Private.*—*Reported.*—Dundee Harbour; Great North of England, Clarence, and Hartlepool Junction Railway; Goba's Police.

3<sup>a</sup>. and passed;—Hambro's Naturalization; Paisley Municipal Affairs.

PETITIONS PRESENTED. From the Presbyterians of Ireland, for a return of the number of Cases of Bigamy tried in the last ten years in Ireland.—From Sheffield, for Free Trade.—From Hunmanby, in favour of the Local Courts Bill.—From Berwick-in-Elmet Union, for Exemption from the Operation of the Poor-law.—From the Birmingham Philosophical Institution, in favour of the Scientific Societies.

PRESBYTERIAN MARRIAGES.] On the motion of the Lord Chancellor, the standing orders were suspended, and the Presbyterian Marriages Bill was read a second time and committed.

On the question that the bill be read a third time,

Lord Campbell expressed a doubt whether the measure ought not to be rendered more extensive, so as to include Quakers and Jews. Many marriages in the colonies were made under the same circumstances as those which had taken place in Ireland, and those might be included. He was far from saying that those marriages were invalid, and he thought that it would be long before their Lordships so decided; but if they were invalid in Ireland they were invalid also in the East and West Indies.

Bill read a third time and passed.

SLAVE TRADE SUPPRESSION.] Lord Brougham moved the third reading of the Slave Trade Suppression Bill and observed

that when it had become law, the Legislature would probably have done all in its power for the extinction of slavery and the suppression of the slave-trade. He felt called upon to take this opportunity of paying a tribute to his noble Friend, the present Governor-general of India, for the manner in which he had put an end to slavery on taking possession of Scinde. He looked forward with sanguine hope to the abolition of slavery in the East Indies, a consummation not to be accomplished so much by legislation, or by doing violence to property, as by giving encouragement to the same method which Sir A. Johnstone had so beneficially pursued in Ceylon, and which had induced the native slave-owners themselves to declare all children free after a certain date.

The Earl of Auckland said, the expression of such a hope was wholly unnecessary. No measure for the abolition of slavery in the East Indies was, he was happy to say, now required. While he was Governor-general an inquiry was instituted into the state and condition of slaves throughout our widely-extended dominions in India. The result of the inquiry was, that an act was prepared, the effect of which would have been to abolish the condition of slavery throughout those dominions, and to remove all the inconveniences and hardships to which slaves were subjected there. There was not time for that act to pass while he remained at the head of the Government; but the noble Lord who now held that post and the Government of Bengal had since passed an act by which slavery was abolished in the British dominions in India. [Lord Brougham: When was that act passed.] About eight or ten months ago. He did not, however, mean to say that some condition of servitude more or less painful, might not still exist, but at the same time, he had no doubt that measures would be carried into full operation that would put an end to all the practical as well as nominal evils of slavery.

Lord Brougham observed, that no one had the least idea, until the noble Earl made this statement, that any act of a final nature had passed for the abolition of slavery in India. He could not help thinking that the act the noble Lord had spoken of must have passed more recently than eight or ten months ago.

Bill read a third time and passed.



DEFAMATION AND LIBEL.] Lord Campbell moved that the report on the Defamation and Libel Bill be received. With respect to the 7th clause, which he had proposed, he did not mean to divide the House; but in order that it might appear on the journal of their Lordships' House, he should move on the report being brought up that that clause be added to the bill. The great objection to that clause was, in fact, the standing order of their Lordships' House, which professed not to allow the publication of any of their proceedings. The clause would, in fact, legalize such publication. He might add, that one of the most distinguished statesmen during the last century had spoken of the absurdity of a similar standing order in the House of Commons. For the period of that which was termed the unreported Parliament, from 1768 to 1774, until lately, there was no account whatever, although the proceedings of that Parliament were most interesting; but recently they had been furnished with a transcript of the admirable reports of Sir H. Cavendish, edited by a gentleman of the greatest ability and research—Mr. Wright; and thereby was supplied a most important *hiatus* in Parliamentary history. The standing-order of their Lordships' House was dated the 27th of February, 1698, and was to this effect:—

“Resolved, that it be a breach of the privileges of this House for any person to print or publish in print any of the proceedings of this House without leave of this House, and that this be a standing-order of this House.”

The order of the House of Commons was in corresponding terms. He (Lord Campbell) trusted that, before long, that standing-order would be repealed, and then one objection to the clause he proposed would be removed. [The *Lord Chancellor*: When that is repealed, then you can introduce your clause.] Mr. Burke said, he was prepared to show the absurdity of such a resolution; and if they were to make it their business to suppress printing in that way, it would put a stop to all order in their House. He hoped, therefore, when their Lordships knew that their standing-order was condemned by so distinguished a man as Mr. Burke, that their Lordships would not much longer retain upon their books the order to which he had alluded.

Lord Brougham rose to bear willing testimony to the importance of Cavendish's

“Reports,” which were just what reports ought to be; the words where the words were wanted, and the substance where only the substance was necessary. They filled up a most remarkable chasm in parliamentary history, and Mr. Wright had performed his duty as editor with singular ability and knowledge. Nothing could be better done, and he earnestly wished that all parliamentary history had been prepared and compiled with equal skill and talent.

Report received.

Adjourned.

## HOUSE OF COMMONS,

Friday, July 21, 1843.

MINUTES.] BILLS. *Public*.—1°. Customs; Episcopal Functions; Marriages (Ireland); Slave Trade Treaties; Bills of Exchange; Stock in Trade.

2°. Controverted Elections.

*Committed*.—Municipal Corporations (No. 2).

*Reported*.—Designs Copyright; Fines and Penalties (Ireland); Court of Exchequer (Ireland).

*Private*. 1°. Hambro's Naturalization.

*Reported*.—Glasgow Police; Anderston Improvement and Police; Burry, etc., Navigation, and Llanelly Harbour (No. 5); Leicester and Peterborough Road; North Esk Reservoir.

3°. and passed:—Jackson's Divorce.

PETITIONS PRESENTED. By Lord Worsley, from Lincoln, and Mr. C. Villiers, from Wolverhampton, and Honiton, in favour of the County Courts Bill.—By Mr. B. Wood, from an Irish Society, and by Mr. T. Duncombe, from the Peers, against the Limitation of Actions Bill.—By Mr. Miles, from Shepton Mallet, against the Abolition of Church Rates; and from Wington, for Church Extension, and against the Union of the Sees of St. Asaph and Bangor.—By Mr. Beckett and Mr. V. Smith, from Leeds, and a number of other places, against the Washington Treaty.—From a number of Places for Limiting the Hours of Labour of young persons in Factories.—From Longford, and Leitrim, in favour of the Irish Arms Bill.

UNIVERSITY STATUTES.] Mr. V. Smith begged to ask the hon. Baronet, the Member for the University of Oxford, a question respecting the statutes of that University and its colleges. In July, 1838, the Duke of Wellington, the Chancellor of that University, deprecated discussion in the House of Lords on the subject of these statutes, saying, that they were then in the course of revision, and that it would be well that all opinion on them should for the present be suspended. It was now five years since this declaration had been made, and he wished to ask whether the revision alluded to had been completed, or was still in progress, and, if so, when it would be completed, and whether there would be any objection to the publication of the revised statutes.

Sir R. H. Inglis would answer the ques-

tion of the right hon. Gentleman as well as he was able. It was within the knowledge of the House, without reference to what had taken place elsewhere, that the University had been engaged for a considerable time past in revising the statutes, and considerable progress had been made. Two or three years previously to the time to which the right hon. Gentleman alluded, a great alteration had been made in reference to the relative intercourse of colleges and halls. In 1837 some change had been effected, which related to oaths, and in 1838 a considerable alteration had been adopted with regard to matriculations. Formerly it was required that young men should take an oath to fulfil all the requirements of the statutes, but that practice had now ceased to exist, and in lieu of taking the oath, every young man now received an admonition, which was addressed to him by the chief functionary of the University, the Vice-Chancellor. In the following year an alteration was made with respect to residence, which he thought would be found to be exceedingly salutary in its effects. In 1840 an alteration had been made in the statutes *de moribus conformandis*, and he believed that this was such a measure as would satisfy every hon. Gentleman. In another year, 1839, a further alteration had been made respecting lectures, requiring all persons to attend a certain number of courses, and of lectures in each course. He thought, that the right hon. Gentleman and the House would agree with him in thinking that much had been done, and that under the circumstances it was fit that a considerable portion of indulgence should be shown to the university. He could assure the House that the subject had not escaped the observation of those most interested in maintaining the discipline of the university, in promoting its welfare, and in rendering it one of the greatest ornaments of civilization in England.

Mr. *V. Smith* begged to suggest to the hon. Baronet that he had not yet answered the questions which he had put—namely, how soon the work which had been commenced would be completed, and whether the statutes might not be printed?

Sir *R. H. Inglis* took it for granted that the right hon. Gentleman was aware that the statutes were promulgated in Latin, and he did not know whether he

could desire that they should be published in their original language. He might take this opportunity of adding what he had before omitted; the right hon. Gentleman's question had referred, not to the university merely, but to colleges also. He was able to state, that considerable progress had been made in the different colleges with respect to the revision of their statutes; but he must add, that each of the colleges had a visitor, subject to whose cognizance their internal affairs were conducted. The university, also, had a visitor in the person of the Archbishop of Canterbury, besides a special visitor, to whom it was answerable.

#### EMIGRATION — BOUNTY ORDERS.]

Mr. *Ewart* begged to put a question to the noble Lord, the Secretary for the Colonies, upon the subject of what was called bounty orders, which had been formerly granted by the Government for the encouragement of emigration. The bounty orders, during the period of office of the late Government, had been suddenly suspended; and those interested in promoting emigration had been subjected to considerable suffering by that suspension. Many of them held bounty orders, and they expected that their cases would be taken into consideration when the system was resumed. The noble Lord had given notice of his intention to resume these orders, and he desired to know whether, in accordance with the views of these persons, their case would be considered?

Lord *Stanley* said, that the hon. Member was aware, that shortly before the change of Government, two years ago, the noble Lord (Lord J. Russell) then Secretary for Colonial Affairs, found that so many of these orders had been issued, that it was impossible that the finances of the colonies on which they were charged, could meet the demands upon them. The outstanding bounty orders on the Australian colonies at that time amounted to a million of money, which was to be paid in the course of two years. The noble Lord, therefore, had felt compelled, and he was convinced that the noble Lord had acted correctly, after giving sufficient notice to the present holders of these orders, to declare that, after a limited time, these orders should not be considered as being any longer binding. It was stated, however, that if emigration or



bounty orders should be thereafter resumed, the claims of these parties should be taken into consideration. The result had been, that up to this time there had not been any surplus arising out of the monies appropriated to the payment of the bounty orders. He would not now enter into the question of the abuse of the bounty orders, but they had of late been employed for a different purpose to that for which they were originally intended. The original intention had been to afford to colonists, possessing certain means, in consideration of their laying out a certain sum of money in the colony, the power of bringing out emigrants at the public expense; but they had become matters of transfer and sale, and it was uncertain, therefore, into whose hands they fell. In consequence of complaints which had been made of the want of labour in the Australian colonies, the Government had decided on issuing tenders to take out a limited number of emigrants to those colonies, on the faith of such funds as should be forthcoming in the colonies. The object was not to renew the system of bounty orders; but to alter that plan. He did not think that those persons, who two years ago held bounty orders, had such a claim as justified the Government in allowing them to receive 20*l.* per head for all emigrants, when at the present rate of freight, the same advantages could be obtained at 16*l.* or 17*l.* per head.

Mr. *Ewart* understood the noble Lord then to say that he did not think that the holders of the bounty orders had an equitable claim on the Government.

Lord *Stanley* did not think that parties who had entered into these engagements two years ago had secured to themselves any preference in carrying out their undertaking.

FACTORIES.] Lord *Ashley* begged to inquire of the right hon. Baronet at the head of her Majesty's Government, whether the Government intended to introduce any measure in the next Session of Parliament to amend the laws relating to factories?

Sir *R. Peel* had no hesitation in saying that the postponement of the bill, which had been before the House, to a future Session, had not arisen from any doubt on the part of the Government of its importance or propriety, but only from the desire expressed by hon. Gentlemen on both

sides of the House that it should be fully discussed. He was prepared to give his noble Friend an assurance that a bill would be introduced at a very early period of the next Session for the purpose of amending the law on this subject.

ARMS (IRELAND) BILL.] House in committee on the Arms (Ireland) Bill.

On clause 36, "no arms or ammunition to be kept by unlicensed persons."

Sir *W. Barron* moved that the last three lines, enforcing penalty not exceeding 10*l.* and forfeiture, should be left out, and the words, "a fine not exceeding forty shillings," should be inserted.

After some conversation the amendment was withdrawn.

Clause agreed to.

Clauses up to 39 were then severally agreed to.

On clause 40, licensed persons lending their licences to other persons, to be liable to a penalty.

Sir *R. Ferguson* proposed to insert the words "not being licensed."

The committee divided on the question that the words be inserted: Ayes 33; Noes 86; Majority 53.

The committee again divided, on the question that the clause stand part of the bill: Ayes 65; Noes 18; Majority 47.

#### List of the AYES.

Ackers, J.	Hope, hon. C.
Alexander, N.	Hope, G. W.
Baillie, Col.	Hornby, J.
Baillie, H. J.	Jones, Capt.
Baring, H. B.	Kemble, H.
Baskerville, T.	Knatchbull, rt.hn. Sir E.
Boldero, H. G.	Knight, F. W.
Botfield, B.	Lincoln, Earl of
Broadley, H.	Lockhart, W.
Buckley, E.	Mackenzie, T.
Clerk, Sir G.	Manners, Lord J.
Corry, rt. hon. H.	Marsham, Visct.
Damer, hon. Col.	Meynell, Capt.
Dickinson, F. H.	Mundy, E. M.
Douglas, Sir C. E.	Newdigate, C. N.
Duncombe, hon. A.	Northland, Visct.
Eliot, Lord	O'Brien, A. S.
Estcourt, T. G. B.	Palmer, G.
Flower, Sir J.	Peel, J.
Forman, T. S.	Plumtre, J. P.
Gaskell, J. Milnes	Pollock, Sir F.
Gordon, hon. Capt.	Richards, R.
Goulburn, rt. hon. H.	Russell, C.
Graham, rt. hn. Sir J.	Scott, hon. F.
Hardinge, rt.hn. Sir H.	Smith, A.
Henley, J. W.	Smith, rt. hon. T.B.C.
Herbert, hon. S.	Somerset, Lord G.
Hervey, Lord A.	Stuart, W. V.
Hodgson, R.	Sutton, hon. H. M.

Tennent, J. E.	Wellesley, Lord C.
Thompson, Mr. Ald.	Young, J.
Trench, Sir F. W.	TELLERS.
Vesey, hon. T.	Freemantle, Sir T.
Vivian, J. E.	Pringle, A.

*List of the NOES.*

Archbold, R.	Smith, B.
Barnard, E. G.	Thornely, T.
Blake, M. J.	Trelawny, J. S.
Brotherton, J.	Wawn, J. T.
Collett, J.	Wood, B.
Esmonde, Sir T.	Wyse, T.
Ferguson, Sir R. A.	Yorke, H. R.
Forster, M.	
Hume, J.	TELLERS.
Norreys, Sir D. J.	Clements, Visct.
O'Connell, M. J.	O'Brien, W. S.

Clause to stand part of the bill.

Clause 41 agreed to.

On clause 42, "licences to be had for making and repairing arms," being read,

Mr. O'Brien objected to the whole clause, but particularly to the penalty of repairing arms without licence. He moved to leave out the words "mend or repair."

The committee divided on the question that the words proposed to be left out stand part of the clause: Ayes 57; Noes 15; Majority 42.

On the question that the blank in the clause be filled up with the words "fifty pounds,"

Lord Clements moved that the words be "twenty pounds."

The committee divided on the question that the words be "fifty pounds": Ayes 56; Noes 22; Majority 34.

The committee again divided on the question that the clause stand part of the bill: Ayes 66; Noes 26; Majority 40.

*List of the AYES.*

Ackers, J.	Forman, T. S.
Acton, Col.	Gaskell, J. Milnes
Antrobus, E.	Gladstone, rt.hn.W.E.
Arkwright, G.	Graham, rt. hn. Sir J.
Baillie, Col.	Grogan, E.
Baskerville, T. B. M.	Hamilton, G. A.
Borthwick, P.	Harcourt, G. G.
Botfield, B.	Hardinge, rt.hn.Sir H.
Boyd, J.	Henley, J. W.
Buckley, E.	Hodgson, R.
Chute, W. L. W.	Hope, hon. C.
Clerk, Sir G.	Hope, G. W.
Clive, hon. R. H.	Hornby, J.
Colville, C. R.	Jones, Capt.
Dickinson, F. H.	Kemble, H.
Douglas, Sir C. E.	Knatchbull, rt.hn. Sir E.
East, J. B.	Knight, H. G.
Eliot, Lord	Lockhart, W.
Escott, B.	Lowther, J. H.
Flower, Sir J.	Mackenzie, T.

Mackenzie, W. F.	Smith, A.
Manners, Lord J.	Smith, rt. hn. T. B. C.
Marsham, Visct.	Stanley, Lord
Martin, C. W.	Stuart, W. V.
Marton, G.	Stuart, H.
Maxwell, hon. J. P.	Sutton, hon. H. M.
Miles, W.	Tennent, J. E.
Nicholl, rt. hon. J.	Trench, Sir F. W.
O'Brien, A. S.	Vivian, J. E.
Packe, C. W.	Wellesley, Lord C.
Palmer, G.	Young, J.
Peel, rt. hn. Sir R.	
Pollock, Sir F.	TELLERS.
Pringle, A.	Freemantle, Sir T.
Repton, G. W. J.	Baring, H.

*List of the NOES.*

Barnard, E. G.	O'Connor Don
Bowring, Dr.	Plumridge, Capt.
Brotherton, J.	Trelawny, J. S.
Clements, Visct.	Wallace, R.
Collett, J.	Ward, H. G.
Crawford, W. S.	Wawn, J. T.
Duncan, G.	Williams, W.
Elphinstone, H.	Wilshire, W.
Esmonde, Sir T.	Wood, B.
Ewart, W.	Wyse, T.
Forster, M.	Yorke, H. R.
Hatton, Capt. V.	
Hawes, B.	TELLERS.
Hill, Lord M	Norreys, Sir D.
Hindley, C.	O'Brien, W. S.

Clause agreed to.

On clause 44, providing that "a monthly account of arms sold and repaired shall be kept, and returned to the sub-inspector of the constabulary force."

Mr. Collet moved the omission of the word "repaired."

The committee divided on the question that the word stand part of the clause; Ayes 74; Noes 21; Majority 53.

Clause agreed to.

On clause 45; "licences under this act may be suspended on notice from the chief or under-secretary,"

Lord Clements moved that the words, "chief or under-secretary" be omitted.

The committee divided on the question that these words stand part of the clause; Ayes 94; Noes 11; Majority 83.

Clause agreed to.

On clause 46, justices of peace may search for arms kept for sale.

The committee then divided on the question that the clause stand part of the bill; Ayes 93; Noes 34; Majority 59.

*List of the AYES.*

Ackers, J.	Antrobus, E.
Acton, Col.	Archbold, R.
Alexander, N.	Arkwright, G.
Alford, Visct.	Baillie, Col.



Baskerville, T. B. M. Knatchbull, rt. hn. Sir E.  
 Bernard, Visct. Lefroy, A.  
 Boldero, H. G. Lincoln, Earl of  
 Borthwick, P. Lockhart, W.  
 Botfield, B. Lowther, J. H.  
 Boyd, J. Lowther, hon. Col.  
 Buckley, E. Mackenzie, W. F.  
 Bunbury, T. McGeachy, F. A.  
 Chute, W. L. W. Manners, Lord J.  
 Clerk, Sir G. Marsham, Visct.  
 Clive, hon. R. H. Martin, C. W.  
 Colville, C. R. Maxwell, hon. J. P.  
 Corry, rt. hon. H. Meynell, Capt.  
 Douglas, Sir H. Miles, W.  
 Douglas, Sir C. E. Neeld, J.  
 Duncombe, hon. O. Newdigate, C. N.  
 East, J. B. O'Brien, A. S.  
 Egerton, W. T. Palmer, G.  
 Eliot, Lord Peel, rt. hon. Sir R.  
 Escott, B. Plumptre, J. P.  
 Estcourt, T. G. B. Pollock, Sir F.  
 Ferguson, Sir R. A. Praed, W. T.  
 Flower, Sir J. Pringle, A.  
 Forman, T. S. Rashleigh, W.  
 Gaskell, J. Milnes Repton, G. W. J.  
 Gladstone, rt. hn. W. E. Rolleston, Col.  
 Gladstone, Capt. Rose, rt. hon. Sir G.  
 Gordon, hon. Capt. Round, J.  
 Goulburn, rt. hon. H. Rous, hon. Capt.  
 Graham, rt. hn. Sir J. Russell, J. D. W.  
 Grogan, E. Smith, A.  
 Hamilton, G. A. Smith, rt. hn. T. B. C.  
 Harcourt, G. G. Somerset, Lord G.  
 Hardinge, rt. hn. Sir H. Stanley, Lord  
 Henley, J. W. Stuart, W. V.  
 Herbert, hon. S. Stuart, H.  
 Hervey, Lord A. Sutton, hon. H. M.  
 Hodgson, R. Tennent, J. E.  
 Hope, hon. C. Thornhill, G.  
 Hope, G. W. Vesey, hon. T.  
 Hornby, J. Vivian, J. E.  
 Hughes, W. B. TELLERS.  
 Jones, Capt. Fremantle, Sir T.  
 Kemble, H. Young, J.

*List of the NOES.*

Baring, rt. hon. F. T. Hindley, C.  
 Barnard, E. G. Napier, Sir C.  
 Barron, Sir H. W. O'Brien, W. S.  
 Bowring, Dr. O'Connor Don  
 Brotherton, J. Plumridge, Capt.  
 Colebrooke, Sir T. E. Power, J.  
 Collett, J. Trelawny, J. S.  
 Crawford, W. S. Tuite, H. M.  
 Duncan, G. Wallace, R.  
 Dundas, Adm. Wawn, J. T.  
 Elphinstone, H. Williams, W.  
 Esmonde, Sir T. Wislere, W.  
 Ewart, W. Wood, B.  
 Forster, M. Wyse, T.  
 Hall, Sir B. Yorke, H. R.  
 Hatton, Capt. V. TELLERS.  
 Hawes, B. Clements, Visct.  
 Hill, Lord M. O'Connell, M. J.

On clause 54, grand juries may present sums for paying clerks of the peace for their trouble.

Lord Clements moved to omit the words "trouble, &c."

The committee divided on the question that the words proposed to be left out stand part of the clause: Ayes 111; Noes 37; Majority 74.

The committee again divided on the question that the clause stand part of the bill: Ayes 105; Noes 29; Majority 76.

*List of the AYES.*

Acland, Sir T. D. Hardy, J.  
 Acton, Col. Hayes, Sir E.  
 Alexander, N. Henley, J. W.  
 Antrobus, E. Herbert, hon. S.  
 Archdall, Capt. M. Hervey, Lord A.  
 Arkwright, G. Hodgson, F.  
 Baillie, Col. Hodgson, R.  
 Banks, G. Hornby, J.  
 Baskerville, T. B. M. Hughes, W. B.  
 Bateson, R. Ingestre, Visct.  
 Bernard, Visct. Jermyn, Earl  
 Blackburne, J. I. Jones, Capt.  
 Boldero, H. G. Knatchbull, rt. hn. Sir E.  
 Botfield, B. Lefroy, A.  
 Boyd, J. Lincoln, Earl of  
 Broadley, H. Lockhart, W.  
 Broadwood, H. Lowther, J. H.  
 Brooke, Sir A. B. Lowther, hon. Col.  
 Bruce, Lord E. Mackenzie, W. F.  
 Buckley, E. McGeachy, F. A.  
 Bunbury, T. Masterman, J.  
 Chelsea, Visct. Maxwell, hon. J. P.  
 Chetwode, Sir J. Meynell, Capt.  
 Chute, W. L. W. Mundy, E. M.  
 Clive, hon. R. H. Newry, Visct.  
 Collett, W. R. Nicholl, rt. hon. J.  
 Colville, C. R. O'Brien, A. S.  
 Corry, rt. hon. H. Patten, J. W.  
 Courtenay, Lord Peel, rt. hon. Sir R.  
 Damer, hon. Col. Plumptre, J. P.  
 Denison, E. B. Pollock, Sir F.  
 Dickinson, F. H. Pringle, A.  
 Dodd, G. Rashleigh, W.  
 Douglas, Sir C. E. Rose, rt. hon. Sir G.  
 Duncombe, hon. A. Round, J.  
 East, J. B. Rushbrooke, Col.  
 Egerton, W. T. Sandon, Visct.  
 Eliot, Lord Scott, hon. F.  
 Estcourt, T. G. B. Sibthorp, Col.  
 Farnham, E. B. Smith, rt. hn. T. B. C.  
 Flower, Sir J. Somerset, Lord G.  
 Forman, T. S. Stanley, Lord  
 Fox, S. L. Stuart, W. V.  
 Fuller, A. E. Stuart, H.  
 Gaskell, J. Milnes Sutton, hon. H. M.  
 Gladstone, rt. hn. W. E. Taylor, E.  
 Gladstone, Capt. Tennent, J. E.  
 Gordon, hon. Capt. Thornhill, G.  
 Goulburn, rt. hon. H. Vesey, hon. T.  
 Graham, rt. hn. Sir J. Wellesley, Lord C.  
 Granby, Marq. of Wortley, hon. J. S.  
 Grogan, E. TELLERS.  
 Hamilton, G. A. Clerk, Sir G.  
 Hardinge, rt. hn. Sir H. Young, J.

*List of the NOES.*

Aldam, W.	Hindley, C.
Archbold, R.	Morris, D.
Bowring, Dr.	Muntz, G. F.
Brotherton, J.	O'Connell, M. J.
Cavendish, hon. C. C.	O'Connor Don
Clements, Visct.	Power, J.
Collett, J.	Thorneley, T.
Crawford, W. S.	Tuite, H. M.
Duncan, G.	Ward, H. G.
Elphinstone, H.	Wawn, J. Twizell.
Esmonde, Sir T.	Williams, W.
Ewart, W.	Wood, B.
Ferguson, Sir R. A.	Yorke, H. R.
Forster, M.	TELLERS.
Gill, T.	Wyse, J.
Gore, hon. R.	O'Brien, W. S.

House resumed, the committee to sit again.

## [ARCHES AND PREROGATIVE COURTS.]

On the question, that the Arches and Prerogative Courts bill be read a second time,

Dr. *Nichol* objected to so important a measure being proceeded with at this period of the Session, and moved that it be read a second time that day three months.

Mr. *Elphinstone* defended the bill.

The House divided on the question, that the word "now" stand part of the question. Ayes 22; Noes 69;—Majority 47.

*List of the AYES.*

Aldam, W.	Norreys, Sir D. J.
Archbold, R.	O'Connell, M. J.
Baring, rt. hon. F. T.	Power, J.
Bowring, Dr.	Thorneley, T.
Brotherton, J.	Tuite, H. M.
Crawford, W. S.	Wawn, J. T.
Duncan, G.	Williams, W.
Ferguson, Sir R. A.	Wood, G. W.
Forster, M.	Yorke, H. R.
Gill, T.	TELLERS.
Hindley, C.	Elphinstone, H.
Morris, D.	Wood, B.
Muntz, G. F.	

*List of the NOES.*

Acland, Sir T. D.	Clive, hon. R. H.
Antrobus, E.	Colville, C. R.
Archdall, Capt. M.	Corry, right hon. H.
Arkwright, G.	Denison, E. B.
Banks, G.	Dickinson, F. H.
Blackburne, J. I.	Douglas, Sir C. E.
Boldero, H. G.	Duncombe, hon. A.
Broadwood, H.	Eliot, Lord
Brooke, Sir A. B.	Estcourt, T. G. B.
Buckley, E.	Filmer, Sir E.
Chetwode, Sir J.	Flower, Sir J.
Clerk, Sir G.	Fuller, A. E.

Gaskell, J. Milnes.	Mundy, E. M.
Gladstone, rt. hn. W. E.	Newry, Visct.
Gordon, hon. Capt.	O'Brien, A. S.
Goulburn, rt. hon. H.	Palmer, R.
Graham, rt. hn. Sir J.	Peel, rt. hon. Sir R.
Greene, T.	Peel, J.
Hamilton, G. A.	Plumptre, J. P.
Hardinge, rt. hn. Sir H.	Pollock, Sir F.
Hayes, Sir E.	Pringle, A.
Henley, J. W.	Rashleigh, W.
Hodgson, R.	Rushbrooke, Col.
Hope, G. W.	Sandon, Visct.
Hughes, W. B.	Scott, hon. F.
Ingestre, Visct.	Sibthorp, Col.
Jones, Capt.	Smith, rt. hn. T. B. C.
Knatchbull, rt. hn. S.	Stanley, Lord
Lefroy, A.	Sutton, hon. H. M.
Lincoln, Earl of	Thornhill, G.
Lowther, J. H.	Vesey, hon. T.
Lowther, hon. Col.	Wortley, hon. J. S.
Mackenzie, W. F. P.	Young, J.
McGeachy, F. A.	TELLERS.
Masterman, J.	Fremantle, Sir T.
Meynell, Capt.	Nicholl, W.

Bill put off for three months.

[FACTORIES ACT.] Mr *Hindley* moved, that leave be given to bring in a bill to amend the act 3 and 4 William 4th, c. 103.

Sir *James Graham* trusted, that the hon. Member would not press his motion, as his right hon. Friend at the head of the Government had announced, at an early part of the evening, that it was the intention of her Majesty's Ministers to introduce a bill on the subject.

Mr. *Hindley* said, that trusting that the promise of the right hon. Gentleman would be adhered to, he would consent to withdraw his motion. He knew that it was useless to press a bill of this kind against the wishes of the Government.

Motion withdrawn.

[THE USURY LAWS.] Sir *George Clerk* moved for leave to bring in a bill to continue an act for exempting certain bills of exchange and promissory notes from the operation of the laws relating to usury.

Mr. *W. Williams* trusted that before any attempt was made to proceed with this bill, that the Chancellor of the Exchequer would consent to the appointment of a select committee to inquire into the operation of the present act. Many representations of the most serious nature had been made to him with respect to the previous operation of the act.

Sir *George Clerk* observed that they only intended by the present bill to renew the present act for two years, the period



for which it had been renewed from time to time since its introduction in 1834. Of course, if the hon. Member thought it necessary, he might at a future time move for a committee to inquire into the operation of the law.

Mr. *B. Wood* trusted his hon. Friend would not oppose the introduction of the bill. So far from its being of an injurious character, he had heard that the most beneficial results had flowed from the alteration of the old usury laws by the present act.

Motion agreed to.

House adjourned at a quarter to two o'clock.

## HOUSE OF LORDS,

*Monday, July 24, 1843.*

MINUTES.] NEW MEMBER SIVORN.—The Lord Polwarth.  
BILLS. *Public*.—2<sup>a</sup>. Schoolmasters Widows' Fund Validity.

3<sup>a</sup>. and passed:—Scientific Societies.

*Private*.—1<sup>a</sup>. Burry Navigation.

2<sup>a</sup>. Gorbals Police; Infant Orphan Asylum; Rochdale and Manchester Roads; Cromford and Belper Roads.

*Reported*.—Gilbert's (or Miller's) Estate; Tay Ferries.

5<sup>a</sup>. and passed:—Great North of England, Clarence and Hartlepool Junction Railway; Dundee Harbour.

PETITIONS PRESENTED. By the Earl of Ducie, from the Vale of Clwyd, (Denbigh) in favour of Free Trade, and for the Total and Immediate Repeal of the Corn Laws.

BREACH OF PRIVILEGE—KENDAL GAZETTE.] Lord *Brougham* said he had given notice of a motion to bring to the Bar of the House the editor of a newspaper, who had accused a Member of their Lordships' House with having, for his own private views, brought in a bill. He had since received a letter from the individual, William Browne, which he had communicated to his noble Friend on the Wool-sack, and other noble Lords, and that letter, coupled with the deep regret (which Mr. Browne had taken the earliest opportunity of publishing in his paper), induced him not to proceed. The writer said, that he had not the slightest intention of committing a breach of the privileges of that House; the article was inserted through inadvertence. He was most heartily sorry for the insertion, and he tendered his humble apology. Understanding, also, that Mr. Browne's circumstances were such, that the expenses of coming to London would be ruinous to him, he would not make the motion of which he had given notice.

Their Lordships adjourned.

## HOUSE OF COMMONS,

*Monday, July 24, 1843.*

MINUTES. BILLS. *Public*.—1<sup>o</sup>. Ecclesiastical Jurisdiction; Industrious Classes; Stamps; West India Islands Relief; Excise; Loan Societies.

2<sup>o</sup>. Slave Trade Treaties; Bills of Exchange; Militia Ballots Suspension; Stock in Trade; Episcopal Functions; Customs; Marriages (Ireland).

*Committed*.—Controverted Elections; Admiralty Lands.

5<sup>o</sup>. and passed:—Public Works (Ireland); Fines and Penalties (Ireland); Court of Exchequer (Ireland).

*Private*.—2<sup>o</sup>. Fox's Estate.

*Reported*.—Bermondsey, Rotherhithe, and Deptford, Roads; Spalding and Deeping Roads.

3<sup>o</sup>. and passed; Burry Navigation and Llanelly Harbour.

PETITIONS PRESENTED.—By Lord Dalmeny, from Queen's Ferry, for Altering the Prisons (Scotland) Bill.—By Sir John Easthope, from Leicester, and Chepping Wycombe, in favour of the County Courts Bill.—By Mr. Fielden, from Huddersfield, and a number of other Places, in favour of a Ten Hours Bill.—By Lord Bernard, from three places in Cork county, against the Repeal Agitation. From Oldham, Merthyr Tydvil, and six other places, against the Factories Bill.—From places in Norfolk, for Amending the Beer Act.—From Cadogan Williams, Respecting Government Annuities.

ARMS (IRELAND) BILL.] House in committee on the Arms (Ireland) Bill.

On clause 56, "yeomanry to register their arms,"

Viscount *Clements* objected to this provision; he thought that these arms ought not to be registered. There were no means of knowing whether a man was a yeoman or not, and no such class should be recognised. If any of the former yeomanry had arms in their possession, they did not belong to those persons, but to the Government, and should be returned, therefore, to the Ordnance stores. All these men considered themselves totally irresponsible to the Government.

Lord *Eliot* said, that all the official authorities acknowledged the existence of these corps, although they had not been called out for a long time. The clause was only similar in its provisions to one to be found in all previous Arms Bills. He could not conceive that they would be justified in calling upon the yeomanry to give up their arms.

Clause agreed to.

On clause 66, "Act to continue in force for . . ." It was originally proposed to fill the blank with the words "five years." To this Mr. W. Smith O'Brien objected, and the Government gave way so far as to offer to fill the blank with the words "two years, and from then until the end of the next Session of Parliament." Mr. W. Smith O'Brien, however, persisted in his amendment to fill up the blank with the words "one year."

Mr. *Labouchere* supported the amendment, considering the proposition to give a longer duration to the present Arms Bill than had been given to former Arms Bills most unconstitutional, most unjust, and altogether unnecessary.

Sir *R. Peel* said the Government had evinced every desire throughout to meet, as much as possible, the wishes of hon. Gentlemen opposite, and he considered the reduction of the period now proposed by his noble Friend, of from five years to three, a convincing proof that this desire continued to actuate her Majesty's Ministers. There was, after all, but a difference of one year between the modified proposal of his noble Friend and that of the hon. Gentleman opposite.

The committee divided on the question that the blank be filled up with "two years":—Ayes 125; Noes 48:—Majority 77.

On the question that the clause stand part of the bill, the committee again divided:—Ayes 131; Noes 31:—Majority 100.

#### *List of the AYES.*

Ackers, J.	Damer, hon. Col.
Acland, Sir T. D.	Darby, G.
A'Court, Capt.	Denison, E. B.
Acton, Col.	Dodd, G.
Adare, Visct.	Douglas, Sir H.
Antrobus, E.	Douglas, Sir C. E.
Arbuthnot, hon. H.	Douglas, J. D. S.
Arkwright, G.	Duncan, G.
Ashley, Lord	Duncombe, hon. A.
Baillie, H. J.	Duncombe, hon. O.
Beresford, Major	Eliot, Lord
Bernal, R.	Escott, B.
Bernard, Visct.	Farnham, E. B.
Blackburne, J. I.	Ferguson, Sir R. A.
Boldero, H. G.	Fitzmaurice, hon. W.
Borthwick, P.	Flower, Sir J.
Botfield, B.	Forman, T. S.
Bramston, T. W.	Fuller, A. E.
Broadley, H.	Gaskell, J. Milnes
Broadwood, H.	Gill, T.
Brooke, Sir A. B.	Gladstone, rt. hn. W. E.
Bruce, Lord E.	Gladstone, Capt.
Buck, L. W.	Gordon, hon. Capt.
Buckley, E.	Goulburn, rt. hon. H.
Bunbury, T.	Graham, rt. hn. Sir J.
Burrell, Sir C. M.	Grogan, E.
Chelsea, Visct.	Grosvenor, Lord R.
Chetwode, Sir J.	Harcourt, G. G.
Cholmondeley hn. H.	Hardinge, rt. hn. Sir H.
Chute, W. L. W.	Hardy, J.
Clerk, Sir G.	Hayes, Sir E.
Clive, Visct.	Henley, J. W.
Cochrane, A.	Hervey, Lord A.
Corry, rt. hon. H.	Hindley, C.
Courtenay, Lord	Hodgson, R.
Cripps, W.	Hope, hon. C.

Houldsworth, T.	Pollington, Visct.
Hughes, W.	Pollock, Sir F.
Hussey, T.	Rashleigh, W.
Johnstone, H.	Richards, R.
Jones, Capt.	Rose, rt. hn. Sir G.
Kemble, H.	Round, J.
Lascelles, hon. W. S.	Russell, J. D. W.
Lefroy, A.	Sandon, Visct.
Lincoln, Earl of	Scott, hon. F.
Lockhart, W.	Smith, rt. hn. C. B. T.
Lowther, hon. Col.	Smythe, hon. G.
Lygon, hon. Gen.	Somerset, Lord G.
Mackenzie, T.	Stewart, J.
Mackenzie, W. F.	Stuart, W. V.
Manners, Lord J.	Sturt, H. C.
Martin, C. W.	Sutton, hon. H. M.
Masterman, J.	Tennent, J. E.
Maxwell, hon. J. P.	Thornhill, G.
Meynell, Capt.	Tollemache, hn. F. J.
Mildmay, H. St. J.	Tomline, G.
Miles, P. W. S.	Trotter, J.
Milnes, R. M.	Tuite, H. M.
Morgan, O.	Vesey, hn. T.
Muody, E. M.	Wall, C. B.
Neeld, J.	Wellesley, Lord C.
Neville, R.	Wilbraham, hn. R. B.
Northland, Visct.	Wortley hon. J. S.
O'Brien, A. S.	Young, J.
Peel, rt. hon. Sir R.	
Peel, J.	
Plumptre, J. P.	

#### TELLERS.

Fremantle, Sir T.  
Pringle, A.

#### *List of the NOES.*

Archbold, R.	Napier, Sir C.
Barnard, E. G.	Norreys, Sir D. J.
Blake, M. J.	O'Brien, W. S.
Brotherton, J.	O'Connell, M. J.
Colebrooke, Sir T. E.	O'Connor, Don
Collett, J.	Plumridge, Capt.
Cowper, hon. W. F.	Power, J.
Dundas, Adm.	Ross, D. R.
Esmonde, Sir T.	Scholefield, J.
Fielden, J.	Trelawny, J. S.
Fox, C. R.	Wawn, J. T.
Hatton, Capt. V.	Wood, B.
Hill, Lord M.	Wyse, T.
Hume, J.	Yorke, H. R.
Langston, J. H.	
Martin, J.	
Mitcalfe, H.	

#### TELLERS.

Clements, Visct.  
French, F.

The other clauses and schedules of the bill were agreed to.

House resumed.

The report received, and ordered to be further considered.

SPIRIT DUTIES (IRELAND).] On the motion that the report on the Excise be read a second time,

Sir *R. Ferguson* said, it became his duty to move that this resolution be re-committed. He had been anxious if possible to direct the attention of the Government to the state of the Irish spirit duties, and to the condition to which the country had



been reduced by the attempts to collect a higher duty than it was proved to be possible with safety to do. The Government, in proposing, as it now did, to reduce the duty at present levied, seemed to him to have acknowledged the justice of the arguments which he, and those who thought with him, urged in favour of a still further reduction, but at the same time they did not propose to make a reduction sufficiently great wholly to put a stop to, and get rid of, illicit distillation. At the outset he wished it to be understood, that the opinion which he had always held upon the subject of the Irish spirit duties was, that there should be no limit to the revenue to be drawn from that source, either in this country or in Ireland, except that limit at which the illicit distiller came in, was enabled to undersell the legal distiller, and thus prevent the levying of the duties. It was necessary to lay this down in the first place, because he wished to get rid of the idea of being understood to advocate a reduction of duty exclusively in favour of Ireland, or indeed a reduction at all except upon the ground, that a too great amount of duty raised up illicit distillation, and prevented the levying of the duties altogether. The right hon. Gentleman opposite in making his statement last Session, in which the increase of duty was proposed, said that the extent of illicit distillation depended more upon the relative prices of oats than upon the amount of the duty. This was a statement, however, which he believed to be without foundation, for if they would look back to the returns, they would find that high duties invariably involved increase of illicit distillation. In estimating the duty, all the commissioners appointed to inquire into the subject had laid it down as a principle that the duty should be as high as they could levy; but they had also laid it down as a fact that from 2s. 6d. to 3s. was the highest duty which it was possible to levy. He believed that these amounts would be found to be the highest which could be levied, for it was necessary to remark that a duty of 3s. 8d. was upwards of 200 per cent. upon the value of the article. It would be remembered, that the capital required for embarking in illicit distillation was very small. The expenditure which must be incurred in order to set up an illicit still was not more than from 50s. to 3l. This was all that was required for setting up a trade which would produce a profit of 200 per cent. The papers before the House gave information

only since the year 1834; but previous to that period, in 1830, the duties were raised, and so much illicit distillation then took place, that Lord Althorp was obliged to reduce the duty, in order to get rid of some of this increase. It would be necessary here to remark, that the prices of oats in Dublin market, did not always correspond with the price of oats in the mountains. The prices varied there in the same manner as they did in the *Dublin Gazette*, and what he wished to show was, that let the variation in the price of oats be what they might, higher or lower, still from the moment that the duty was reduced there was a great reduction in the number of smugglers, until they came to the time when the small addition made by the late Chancellor of the Exchequer, brought the duties and the profits of smuggling so nearly to a balance, that the slightest rise in the former would immediately produce the latter. In the year ending April 5, 1834, the duty was 3s. 4d. per imperial gallon. The price of oats was 8½d. per stone. The number of detections was 8,324; of prosecutions, 2,569; of convictions, 2,155; and of persons remaining in gaol on the 5th of April, 483. In 1835 the duty was from 3s. 4d. to 2s. 4d., the price of oats 10d., the number of detections was 7,050; of prosecutions, 2,470; of convictions, 2,070; and persons remaining in gaol, 332. In 1836 the duty was 2s. 4d., the price of oats 9½d., the number of detections, 4,545; of prosecutions, 1,631; of convictions, 1,125; of persons in gaol, 292. In 1837 there was a rise in the price of oats, and the detections, prosecutions, and prisoners in gaol were reduced by one-third. In 1838 there was a reduction in the price of oats, and there was a small increase in the number of detections, but none in the prosecutions or convictions; and the evidence of a witness before a select committee of the House, showed that the increase in the number of detections was owing to the increase in vigilance and numbers of the revenue police. The increase, therefore, did not prove any necessary increase in illicit distillation. In 1839 a great reduction took place in the number of offenders. In that year the number of detections was 2,369. The number of prosecutions and convictions diminished by one-half, and the number of prisoners remaining in gaol reduced from 222 to 116. In 1840 the duty still remained the same, 2s. 4d., the number of detections and prosecutions was lessened by one-half, and the

number of persons in gaol fell from 116 to 61. In 1840 the right hon. Gentleman the Member for Portsmouth was obliged to increase the excise and customs duties, and he determined, most unfortunately, he thought, to add to the amount of Irish spirit duties 4*d.* per gallon. In the first year the difference thus made did not produce any apparent increase of illicit distillation, but it did not procure the same regular diminution which had been for some years going on; in the year before, the number of detections, &c., had diminished nearly one-half, but between 1840 and 1841 the reduction in the number of prosecutions was only from 289 to 278, and the number of convictions continued the same; the number of prisoners in gaol had fallen from 61 to 48. In the year ending 1842 they found an increase in the amount of illicit distillation over that of the preceding year. The number of detections had increased from 871 to 942; of prosecutions from 278 to 331; of convictions from 204 to 244; and of prisoners remaining in gaol on the 5th of April, 1842, from 48 to 84. It was then that the right hon. Baronet at the head of the Government, in proposing his budget, thought that the increase in the consumption of spirits was such that they could venture to lay on an additional 1*s.* of duty upon Irish spirits, and it was to the change in the state of affairs so produced, that he wished to call the attention of the House. It was when the duty was raised to 2*s.* 8*d.* that the increase in illicit distillation commenced, and the practice had slowly but surely increased; but it was after the imposition of the 1*s.* of additional duty, that they found the most alarming degree of increase. For the year ending April, 1842, they found an increase over the preceding year of—detections, from 942 to 2,805; of prosecutions, from 331 to 1,239; of convictions, from 244 to 803; and of persons in gaol, from 84 to 368. He wished particularly to draw their attention to this alarming increase of illicit distillation. There was now existing in Ireland a greater extent of illicit distillation than there had been in any year since 1836. In that year the duty had been reduced, and it took five years of exertion in putting down illicit distillation before the right hon. Gentleman the Member for Portsmouth, could venture upon raising the duty even by the small amount of 4*d.* It was now proposed to reduce the duty from 3*s.* 8*d.* back to the previous amount of 2*s.* 8*d.*, and the right hon. Gentleman,

the Chancellor of the Exchequer, thought that by that reduction, and by using great exertions, they would be able to get rid of the late alarming increase in illicit distillation. Now he contended that this mode of proceeding would produce the greatest evils. The proposed reduction would not be sufficient to get rid of illicit distillation, even with great exertions upon the part of the police and the excise; and he trusted that Government would reconsider the matter, and reduce the duty at once to 2*s.* 4*d.*, thus taking a step which would free them from illicit distillation. He had no object in wishing to reduce the duty one farthing lower than to such a sum as would enable them to get rid of illicit distillation. In 1830 the spirit duties were increased from 2*s.* 10*d.* to 3*s.* 4*d.*, and the high duties continued in force until 1834; they were then reduced. This reduction was then opposed by the right hon. Gentleman opposite, upon the ground that they had not sufficient knowledge or proof of the extent to which illicit distillation was carried. Lord Althorp, in reply, stated that it had been urged that an increase of duty would increase the revenue, but it had been proved by experience that the only thing it would increase was illicit distillation. That was the argument which they had used against Government last year. There was at present no reason to suppose that the consumption of spirits in Ireland was diminishing; on the contrary, it appeared from the returns of the inspector-general, that the number of committals for drunkenness was stationary. In 1838, the number of such committals, was 16,461; in 1839, 38,678; in 1840, 23,277; in 1841, 20,783; in 1842, 19,003. Throughout the greater part of the country there had only been a nominal decrease of committals. He had also a return from the inspector of gaols in Donegal of the number of prisoners in the gaols on a particular day, upwards of 60; and that inspector mentioned that the number of persons who informed him that they were temperance men was one-fourth of the whole. This showed that there was nothing more likely to interfere with the temperance pledge than illicit distillation. He would wish the Government to consider the sentiment of Lord Althorp as to the evils of illicit distillation. It was impossible, considering the present state of Ireland, to get rid of this evil by the means which they proposed to adopt. The right hon. Gentleman opposite said it was the price of corn that the extent of illicit dis-



tillation depended upon. He thought that the returns which he had quoted disproved this, and proved that the effect of any rise in the duty had been to increase illicit distillation. But he might be told that the extent of smuggling had been greater in former years than it was at present, and he certainly did not think that it had grown to such an extent as in former years; but he was greatly afraid that after a short time there might be a great deal of outrage and violence, as a consequence of the high duty, unless there should be a reduction greater than was now proposed. He had seen statements in the newspapers of an alarming character as to the seizures made of illicit stills. On one occasion 20 gallons of spirits, and 500 gallons of wash had been captured; and in another 200 gallons of wash, and 250 gallons of pot ale. The extent of these seizures showed that illicit distillation was now carried on in a manner, and with a vigour, with which it had never been prosecuted before, and they taught the House that nothing but a reduction of duties could put a stop to such dangerous proceedings. The House was aware that some years ago a great alteration was made in the malt drawback in Scotland, and also in Ireland. It was reduced from 14*d.* to 8*d.*, at which rate it was still levied in Scotland; but it had since been done away with, as respected Ireland. The right hon. Gentleman's measure for this purpose was supported, and its propriety borne out by the statements of the Irish distillers; but the grounds on which the information which they afforded was founded, were quite incorrect. He would now call the right hon. Gentleman's attention to the diminution in the quantity of spirits brought to charge during the last year. That diminution in the whole duty on grain spirits was no less than one-fourth; whereas, on the quantity of malt-spirits it was one-third. It appeared, that in 1842 the quantity of grain spirits brought to charge was 6,002,955 gallons. In 1843 the quantity was 4,450,786 gallons. He maintained the increase of crime in the north and north-west of Ireland was entirely owing to illicit distillation. He found, on looking at a return laid before the House of Lords, that the number of prisoners in the gaols of Roscommon, Sligo, Lifford, and Londonderry, had increased in 1843, as compared with 1842. On looking too, at the proceedings of the committee of last year, he found it first maintained by the witnesses, that there

was not likely to be any reduction in the quantity of malt spirits. How stood the fact? He found that in 1842 there were 77,000 gallons, whereas in 1843, there were but 50,000. Again, it was said before the committee, that the withdrawal of the drawback would have no effect in increasing illicit distillation. Their prophecy was, however, best rebutted by the facts which he had stated. He could not blame the Government for acting on the information which they received; but he did blame them for keeping the duty to the last moment, and not make such a reduction as would be sufficient of itself to get rid of this illicit distillation. He should not give any opposition to the right hon. Gentleman's motion further than moving the re-committal of the report on two grounds—first, that the reduction from 3*s.* 8*d.* to 2*s.* 8*d.* was not sufficient to get rid of illicit distillation; and secondly, that there should be a restoration of the malt drawback, or some alteration in the malt duty, so as to get rid of illicit distillation.

The *Chancellor of the Exchequer* had already stated the grounds why he proposed the additional duty last year. Every one agreed that spirits was an article on which the highest practicable amount of duty should be imposed; and from the information supplied him by persons resident in Ireland, and well qualified to form an opinion, he did entertain a belief that this duty could be made available; but as soon as the fact was established, that it gave rise to offences, he at once resolved to reduce its amount. The hon. Gentleman argued, that no higher duty should be imposed than 2*s.* 4*d.*, but he founded his arguments on the state of things in 1825, when the condition of Ireland was very different from its condition now; when the organization of a police force for the purpose of preventing illicit distillation was not so perfect as now; and, above all, when there was no such improvement as that which was now apparent in the moral tone and character of the people. The hon. Gentleman endeavoured to show from the tables which he adduced that the offences had increased under the imposition of the 4*d.* duty; but if he had looked narrowly at the papers, it would be found that they did not bear out altogether the statements which he had made. The hon. Gentleman said, that the number of convictions in 1841, a short time after the imposition of the 4*d.*

duty, the number of offences was forty-eight, but when it was in operation a twelvemonth, this number was increased to eighty-four, which the hon. Gentleman endeavoured to show proved an increase in the amount of illicit distillation. He must demur to such a test applied to illicit distillation. He took the detections as showing more fairly the state of crime, and saw that in 1840, previous to the imposition of the 4*d.* duty, they were 1,359; in the following year, during part of which it was imposed, 1,004; and in 1842, when it was in full operation, they diminished to 888. But the hon. Gentleman said, "To be sure there was some decrease in crime in the last year as compared with the preceding, but it did not bear the proportion that might be expected from a comparison with the last before that." It was perfectly true that when means were first applied for the repression of crime, the decrease immediately following such an application was greater than in subsequent years. As to the alteration in the malt drawback, it had been brought before the House in the course of last Session, and a committee having sat on it, they were of opinion, with a few exceptions, that the repeal of the drawback would not be injurious to distillation. It was thought fair that each country should have the kind of spirit most agreeable to the inhabitants. In Scotland five-sixths of the whiskey was distilled from malt, whereas in Ireland, of 6,000,000 of gallons, the quantity distilled last year, there were but 77,000 made from malt—a proportion so small, as clearly to show that the general taste was not in favour of malt spirit. Besides, of ninety-two or ninety-three distillers, there were but three who availed themselves of the malt drawback, and one of these had since abandoned the trade. The return before the House showed that the diminished amount of malt spirit imported from Scotland had answered the anticipation which was made last year. He thought the hon. Gentleman had not made out his case, nor could he concur with him that it would be for the advantage of Ireland, or the general interest of the revenue, to allow again that drawback on malt, which was abolished last year.

Captain Jones thought, unless they reduced the duty below 1*s.*, they could not put an end to illicit distillation. Though there might be a falling-off in the quantity of spirits brought to the charge,

this did not show that a smaller quantity of spirits was consumed. He was of opinion that the hon. Gentleman (Sir Robert Ferguson) had made out his case, and he should support his amendment.

Mr. F. Baring could not, after the best consideration, concur in the view taken by the hon. Gentleman, or in that of a noble Friend of his (Lord Monteagle), whose opinion on any subject he sincerely respected. The question was, whether spirits would bear a duty of 2*s.* 8*d.* the gallon. He apprehended it would be generally admitted that this was an article which should be taxed to the utmost extent short of promoting of illicit distillation. They had the benefit of experience that three was a diminution under the additional 4*d.* duty of offences from 1,359 in 1840, to 888 in 1842. He found, however, that his hon. Friend's return was made out in a different way—indeed, he could guess at the author of that mode of proceeding. His hon. Friend showed, that in the quarter ending April, 1842, there was an increasing number of detections, but his hon. Friend did not mention that there was an increase of 25,000*l.* on the amount of duty. His hon. Friend then would have them believe that the addition of the 4*d.* duty increased the smuggling when the increase of duty was so large as that he had just stated. If the taste for spirits should revive amongst the people, an increased consumption, both of legally distilled and illicitly distilled whiskey would follow. There was another fact mentioned in the report of the commissioners of inquiry, to which he would take the liberty of directing the attention of the House. The question now at issue was, whether Irish spirits would bear a duty of 2*s.* 8*d.* The report of the commissioners referred to the alteration of the duty from 2*s.* 4*d.* to 2*s.* 10*d.*; and what was the result in that case? The average duty paid under the 2*s.* 4*d.* duty was 846,597*l.*, and under the 2*s.* 10*d.* duty it increased to 1,294,000*l.* This proved distinctly, that so far from it being true, that spirits could not bear a 2*s.* 8*d.* duty, it was evident that they could bear a 2*s.* 10*d.* duty. It was remarkable also, that the quantity of spirits consumed under the 2*s.* 10*d.* duty was greater than that consumed under the 2*s.* 4*d.* duty, even in 1825, which everybody knew was a year of great excitement, and, consequently, of increased consumption. Under these circumstances, he thought,



that the hon. Member for Londonderry had not made out such a case as could induce him to vote against the proposition of the Chancellor of the Exchequer. As far as he was able to judge from his own experience, from the returns before the House, and from the history of past transactions, he was of opinion that the additional fourpence would not increase illicit distillation. Nay, more, he would say, that if he were desirous of trying experiments with respect to the reduction of duties, Irish spirits was not the article he would select for that purpose. Taking the financial condition of the country into consideration, he would rather risk eighty or a hundred thousand pounds on the reduction of some other tax than the duty on Irish spirits.

Sir *R. Ferguson* would not give the House the trouble of dividing.

Amendment negatived.

The report read a second time, agreed to, and a bill founded on the resolutions ordered to be brought in.

ADMIRALTY LANDS.] Mr. S. Herbert moved that the House resolve itself into committee on the Admiralty Lands Bill.

On the question that the Speaker do now leave the Chair,

Mr. *Barnard* said, this was an unconstitutional bill. Its object was to empower the Government to take possession of certain lands near her Majesty's dock-yards for the public service; but the particular lands were not defined, and persons possessing property near the sites were anxious and alarmed. He proposed that all the lands intended to be taken by the bill should be scheduled or otherwise described, and that no lands not so scheduled or described should come in any way under the operation of the bill.

Mr. *Hume* thought the measure was a departure from principle, and an unjustifiable violation of private rights. He moved that the House resolve itself into a committee in three months.

Mr. *S. Herbert* was surprised that any one should describe the bill as an unconstitutional measure. Bills of a similar character, relative to the Ordnance and Customs' departments, were in existence, and the only difference between them was that the present bill was not nearly so stringent in its provisions as the others. The object of the bill was to enable the Crown to acquire lands, appealing to a

jury to assess their value, when that was necessary for the defence of the country. It was necessary that the act should be general in its terms, for if the lands were to be scheduled, the Crown might hereafter be unable to obtain sites, the possession of which might be essential to the public service. Care had been taken to frame the clauses, so as to give every person having any, an ample opportunity of asserting his rights, and when the bill should be in committee, he was prepared to move a clause which would limit the lands to be taken to within 700 yards of the dock-yards.

Captain *Pechell* wished to know whether the lands in question were to be exempted from the land-tax.

Sir *C. Napier* wished to ascertain what lands were to be taken in. If the Secretary of the Admiralty would give him information on this point, he would be happy to give his assent to the bill.

Mr. *Gill* was afraid, if the lands were scheduled, the value of the property must be diminished, inasmuch as the proprietor's right of control over it was infringed. He was glad to find it was not proposed to take any lands at a greater distance than 700 yards from the dock-yards.

Mr. *S. Herbert* said, the House was generally inclined to place a certain confidence in the various departments of Government, and he hoped they would extend so much to the Admiralty Board, as to believe that the powers confided to them by this bill would not be misused.

Mr. *B. Wood* said, the effect of the bill would be to schedule all land within half a mile of every dock-yard for an unlimited period of time, interfering with the proprietor's right of disposing of it, and keeping the property around in a state of dilapidation and uncertainty. A man, for instance, might erect an expensive building on his ground, without any chance of being repaid for the outlay, if Government thought proper to take the land.

Sir *J. Graham* was not surprised, that the House should regard with jealousy the powers proposed to be given by this bill. With respect to the remarks of the hon. Gentleman who had just sat down, the hon. Member for Plymouth had given an opinion diametrically opposed to his theory. If this bill passed, it would still not be competent for the Government to make a bargain for the purchase of a piece of land without the consent of the House,

as the price must be voted in committee of supply. The amount of the purchase money would be settled by a jury, in case of difference arising; and there was no room to apprehend that the rights of individuals would not be well protected by a jury. Any attempt to specify by schedule the particular properties required, would be a great disadvantage to the public, by raising the price; it might also lead to much litigation.

Mr. *Blewitt* did not think the right hon. Baronet had answered the case which had been made out against the bill.

The House divided on the question that the words proposed to be left out stand part of the question—Ayes 59; Noes 28: Majority 31.

#### *List of the AYES.*

Ackers, J.	Hardinge, rt. hn. Sir H.
Acton, Col.	Herbert, hon. S.
Arbuthnot, hon. H.	Hodgson, R.
Arkwright, G.	Hope, G. W.
Banks, G.	Hussey, T.
Baring, hon. W. B.	Kemble, H.
Barrington, Visct.	Lincoln, Earl of
Baskerville, T. B. M.	Lockhart, W.
Barnard, Visct.	Lowther, J. H.
Blakemore, R.	Mackenzie, T.
Boyd, J.	Mackenzie, W. F.
Broadley, H.	Manners, Lord J.
Buckley, E.	Martin, C. W.
Clive, hon. R. H.	Mitchell, T. A.
Collett, W. R.	Neville, R.
Cripps, W.	O'Brien, A. S.
Denison, E. B.	Peel, rt. hon. Sir R.
Divett, E.	Plumptre, J. P.
Douglas, Sir C. E.	Pringle, A.
Duffield, T.	Rashleigh, W.
Eliot, Lord	Sibthorp, Col.
Estcourt, T. G. B.	Smith, rt. hn. T. B. C.
Forman, T. S.	Stuart, H.
Fuller, A. E.	Thompson, Mr. Ald.
Gill, T.	Trench, Sir F. W.
Gladstone, rt. hn. W. E.	Wilshire, W.
Gordon, hon. Capt.	Wood, Col.
Goulburn, rt. hon. H.	Young, J.
Graham, rt. hn. Sir J.	
Greene, T.	TELLERS.
Grogan, E.	Fremantle, Sir T.
	Corry, J.

#### *List of the NOES.*

Archbold, R.	Hastie, A.
Barron, Sir H. W.	Henley, J. W.
Blewitt, R. J.	Holland, R.
Bowering, J.	Mitcalfe, H.
Brotherton, Dr.	Morris, D.
Clements, Visct. ]	Napier, Sir C.
Collett, J.	O'Connell, M. J.
Duke, Sir J.	Pechell, Capt.
Duncan, G.	Plumridge, Capt.
Duncombe, T.	Power, J.
Ferguson, Sir R. A.	Ross, D. R.

Trelawny, J. S.  
Wallace, R.  
Wawn, J. T.  
Williams, W.  
Wood, B.

Wood, G. W.

#### TELLERS.

Barnard,  
Hume, J.

Main question agreed to.

House in committee.

On the first clause,

Mr. *Hume* contended that the Government were asking for unlimited powers, and desired that the places should be specifically defined at which the Admiralty were to be vested with this power of purchasing lands. Unless this were done he should move, that the chairman report progress.

Sir *R. Peel* said, the object of the measure was to give power to the Admiralty to purchase land that might be necessary for the public service without being subjected to exorbitant exaction. The suggestion, however, that the places should be specified was, he thought, a fair one, and at a future stage of the bill the names of the great public establishments which it was proposed to invest with this power might be inserted. It would, however, be an inconvenient and clumsy proceeding to have a separate act every time the Admiralty might require to purchase a few square yards of land, and it would be better to have a general act for the purpose.

The Bill went through committee.

The House resumed. Bill to be reported.

#### INDUSTRIOUS CLASSES. LOAN FUNDS.]

Lord *Ashley* then rose and entreated five minutes attention whilst he moved for leave to bring in a bill to establish, regulate, and protect societies for the improvement of the industrious classes, by extending the allotment or field garden system, and the more general establishment of loan funds in England and Wales. The noble Lord said that the first object of his measure would be to extend the allotment system. At present landlords found it too troublesome and expensive to attend to the letting of small portions of land, and the consequence was, that a system of field gardens, calculated to prove so beneficial to the health and morals of the poor, was but rarely found to be in practice in any crowded vicinage. Now, waste and common lands applicable to this useful purpose were to be found in abundance near many large towns, and



what he should propose would be that a board should be established in London, the members of which, in their collective capacity, should have the power to purchase, hire, and let lands to the poor, without, however, exercising any other powers appertaining to landlords, or in any way interfering with the operation of local boards. The second object of his bill would be to promote the more general establishment and to regulate the management of loan fund societies in England and Wales. The loan fund system in England had not up to the present time answered all that might have been expected from it; whilst in Ireland it was admirably conducted and in every way successful. The object of his bill, therefore, would be to assimilate the management of these societies in this country as far as possible to the management of the societies in Ireland. It was curious, and he should be glad if the House would mark the difference between the conduct of these societies in the two countries at the present time. By the return of 1843, it appeared that the number of loan societies in England was sixty-eight, whilst in Ireland they numbered 300. The amount of money circulated by them in England in 1842 was 104,378*l.*, whilst in Ireland it was 1,691,871*l.* The number of loans issued in 1842 in England was 20,766; in Ireland, 488,702. The gross profit in England was 6,450*l.*; in Ireland it was 59,943*l.* In England the net profit was 456*l.* whilst after deducting the interest on capital, the expenses of management, and the bad debts, it amounted in Ireland to no less than 18,967*l.*, every farthing of which sum was applicable to purposes of charity. The noble Lord quoted several testimonies to the advantage of the system in Ireland in the promotion of industry and discouraging of vice, and he thought there could be little doubt but that the House would accede to a proposition so calculated to add to the prosperity of the population in our own part of the United Kingdom. The noble Lord concluded by moving for leave to bring in his bill.

Motion agreed to. Bill brought in and read a first time.

House adjourned at half-past 1 o'clock.

## HOUSE OF LORDS,

Tuesday, July 25, 1843.

MINUTES.] BILLS. *Public*.—1<sup>a</sup>. Court of Exchequer; Fines and Penalties (Ireland); Public Works (Ireland).

2<sup>a</sup>. Woollen, etc., Manufactures; Bridges (Ireland).

3<sup>a</sup>. and passed:—Schoolmasters Widows' Fund Validity (Scotland).

*Private*.—*Reported*.—Berwick-upon-Tweed Corporation; Edinburgh Water.

3<sup>a</sup>. and passed:—Gilbert's (or Miller's) Estate; Tay Ferries.

PETITIONS PRESENTED. By the Marquess of Downshire, from a Protestant Association in Dublin, for Inquiry into the conduct of the Ecclesiastical Commission.—By Earl Stanhope, from the Bakers of Ireland, for Redress of their Grievances.—By Lord Campbell, from Birmingham, against the Charitable Pawn Offices Bill.—From Cot Fishermen of the Rivers Suir, Nare, and Barrow, for Relief.—From Merchant Seamen of Newburgh, for Amending the Act relating to the Merchant Seamen's Fund.

LANDLORDS AND TENANTS.] Lord *Portman*, in moving the reading of the Order of the Day for the second reading of the Landlords and Tenants Bill, in order that it might be discharged, said he did so because many Members of the House were not then prepared to enter into a discussion of the principle; and as he had not intended to pass the bill this year, his object would be gained if the bill were attentively considered in the recess, being assured that their Lordships would concur in any law which was safe for the landlord and good for the tenant.

Lord *Redesdale* said, that the bill was unnecessary, and would be unwise: this was the opinion of most noble Lords, with whom he had conversed, and he stated it to prevent any erroneous impression going abroad, in consequence of the noble Lord's observations in withdrawing the bill, that their Lordships were friendly to the principle.

Order discharged.

FINE ARTS—HOUSES OF PARLIAMENT.] Lord *Brougham* wished to notice something which had occurred in the Houses of Parliament building committee that morning with reference to the commission, of which his noble Friend (the Marquess of Lansdowne) was a member. The commission had issued an advertisement, addressed to all the artists of this country, inviting them to send in drawings or models of an ornamental nature for the two Houses of Parliament. He looked upon this, not so much as a matter of delay, because their Lordships could sit in the new Houses before they were adorned, and they might be adorned during the long recess, but he was afraid it would be a source of great

expense. He was far from saying what the wisdom and generosity of Parliament might do, but it was only charity to give those persons who were likely to send in models or drawings timely notice that they would do so at their own risk. The artists must be told they would be wrong if they thought thereby that they were certain of public orders to execute the work, or if they took for granted, that they would obtain remuneration for their labour.

The Marquess of *Lansdowne*, as the only one of their Lordships' House who had lately attended the Fine Arts' Commission, said that great care had been taken, in all the notices with regard to the works alluded to, to guard the artists against supposing that they would receive any remuneration besides that specifically stated in the notice. No expense would be incurred, except for the prizes, for the cartoons. With regard to them, persons had to go out of their usual habits of study, which they could not be expected to do without a remuneration in the shape of prizes. With respect to other departments of the art, they would only have to execute works in accordance with their usual studies: the object was only to give specimens of the public proficiency of each artist. He should be as jealous as his noble Friend, if any great expense were to be incurred; but a committee of the other House had advised that advantage should be taken of the decoration of the new Houses to give encouragement to art.

APPREHENSION OF OFFENDERS (FRANCE.)]  
The Marquess of *Lansdowne* called the attention of the House to the subject of two bills which had recently passed the House, for giving effect to the treaties with France and the United States of America, for facilitating the apprehension of criminal offenders, upon which he had intended to have made a few observations on the third reading, but had been prevented in consequence of the bill having been read a third time during his absence. The general policy of those bills it was impossible for him or for the Parliament to doubt, and the only opposition he entertained to the treaties was, that one, without sufficient reason, did not go to the same extent as the other. The treaty with America enumerated a much larger body of offences, and went much further than the treaty which had been concluded with France. The reason for not extending the French treaty as far as the American was wholly insufficient.

Some of the most aggravated crimes were not to be found in the treaty with France, and the omission extended to what he had always considered one of the gravest offences—the crime of arson. That was wholly omitted; and on stating his objection in committee he had been told that the only ground why the same extension was not given in one treaty as in the other was, that it would have overturned the draft of a proposal of old date, which was suggested at the peace of Amiens, and which did not go to the extent of the American treaty. When, however, they were acting after forty years delay, he could not think this a sufficient reason, and he must conclude that some objections had been stated in the course of the negotiations which had not been stated to the House, which prevented the French embracing the full extent given to the American treaty. He could see no reason for this difference, and the extension was more necessary in the case of France than of the United States. He begged therefore to move

“An humble address to her Majesty for copies of correspondence between the Governments of Great Britain and France for the last ten years relating to the apprehension of criminal offenders in each country respectively.”

The Earl of *Aberdeen* said the noble Marquess would agree with him that there was a sufficient reason for not agreeing to his motion when he told him that no such correspondence existed; there was not, indeed, even an official communication on the subject. He quite agreed with his noble Friend, that the principle of these treaties being the same, it was desirable to give to them the greatest possible extent that could be given for the benefit of both countries. The French government had been anxious to renew the proposal of the treaty of Amiens; they had proposed it in 1815, and many times afterwards; but the proposal was always declined by this country; there were, however, no negotiations on the subject. He had thought, as a commencement of a new system, it was not desirable to extend the description of crimes. The convention was made only temporarily for a year, and six months' notice was to be given should there be a wish to determine it. Although the French government was desirous, in the first instance, to include a larger number of crimes, in his opinion it had been desirable to confine the catalogue of crimes; yet, if the present treaty should not be found at-



tended with inconvenience, it would not be difficult to give it, on renewal, a more extended operation.

Lord *Campbell* trusted, that by some future negotiation on the subject, the present state of the relations, in this respect, might be considerably improved; and he particularly directed attention to the case of fraudulent bankruptcy, which ought to be provided against in any treaty, in order that parties who had cheated their creditors might be given up to punishment.

Motion withdrawn.

SEA FISHERIES.—[IRELAND.] The Earl of *Glengall*, on presenting a petition from certain deep-sea fishermen of Waterford, said, in consequence of the decline of the fisheries, from want of due encouragement, the number of fishermen had decreased between 1830 and 1836 from 64,700 to 54,000. In this interval the loan system had been abandoned, and the public money formerly granted for the encouragement of the fisheries had been reduced to 61*l.* per annum. On the other hand, 14,000*l.* were annually expended upon the Scotch fisheries without diminution. He wished the fishery board in Ireland to be reconstructed: there were already 8,000*l.* in hand applicable to the purpose, and if 10,000*l.* or 15,000*l.* additional were devoted to the same purpose, much would be done and profitable employment would be found for many thousand persons. It might be expedient even to recur to the loan system, and to do something to restore and repair the small piers and harbours by which the boats were protected.

Lord *Monteagle* observed, that the loan system for encouraging the fisheries in Ireland had been continued, until it was found to produce no benefit to the people of that country. The act which regulated the fisheries in Ireland were all but inoperative, in consequence of the difficulty of enforcing its provisions. It entirely depended upon penalties; but means had been devised to evade those penalties. There had, for a long time, existed great doubts among the people of Ireland as to the rights of persons to fish. The act to which he had referred was intended to define those rights; and he thought it would be a wise proceeding on the part of the Government, if they were to send round inspectors to ascertain and to explain to the people what those rights strictly were.

The Duke of *Wellington* begged to say,

that attention in the proper quarter should be given to the subject.

Petition laid on the Table.

Adjourned.

## HOUSE OF COMMONS,

*Tuesday, July 25, 1843.*

MINUTES.] *BILLS. Public.—Committed.*—Stock in Trade; Slave Trade Treaties; Militia Ballot Suspension; Bills of Exchange.

*Reported.*—Controverted Elections.

*Private.*—2<sup>o</sup>. *Duchall's Estate.*

*Reported.*—North Esk Reservoir.

5<sup>o</sup>. and passed:—Spalding and Deeping Roads.

PETITIONS PRESENTED. By Mr. *Hume*, from Forfar, against the Prisons (Scotland) Bill; also from Aberdeen, for Inquiry into the case of Robert *Peddie*.—By Dr. *Bowring*, from Dublin, for Inquiry into the case of the Raja of *Sattara*.—By Mr. *O. Gore*, from Sligo, in favour of the Irish Arms Bill.—From *Brandon*, in favour of the County Courts Bill.—From *Hampstead*, in favour of a Ten Hours Bill.—From *Holytown*, and *Coat Bridge*, for Repealing the Export Duty on Coal.

CUSTOMS.] Mr. *Christopher* begged to ask whether it were the intention of the Government by this bill, that the agricultural produce of the state of *Maine* in the United States was in future to be admitted into this country at a colonial duty, that produce now paying the duty chargeable on foreign produce?

Mr. *Gladstone* said, the intention of the bill was neither more nor less than to give legal effect in this country to the 3d article of the treaty of *Washington*. But as certain results must follow from that article in respect of the admission of this produce, both into the colony of *New Brunswick* and this country, he should abstain from entering into any further explanation.

PREROGATIVE AND ADMIRALTY COURT (IRELAND).] Sir *H. W. Barron* asked whether it were the intention of her Majesty's Government to propose to the Primate of Ireland to vest the appointment of Judge of the Prerogative Court in Dublin in her Majesty, as the Archbishop of *Canterbury* has proposed to do in *England*, and to consolidate the courts of Prerogative and Admiralty under one judge. He put this question at the present time on the ground of an existing vacancy.

Sir *R. Peel*: The appointment of this office was absolutely vested in the Lord Primate. An act of Parliament had been recently passed with reference to that office, which continued the appointment

in him. He had not made any communication to the Lord Primate on the subject of this office; but on the day before he had received an intimation from him, which was made voluntarily, and without any previous suggestion on his part, whereby the Primate expressed his wish to place this office, with reference to the existing vacancy, at the disposition of her Majesty. He wished to have an opportunity of considering the peculiar position of the situation, before he offered any suggestion as to the person to whom it should be given.

FREIGHTS FROM CHINA.] Sir C. Napier wished to direct the attention of the Chancellor of the Exchequer to a matter of considerable importance, and of which he (Sir Charles Napier) was sure that the right hon. Gentleman could hardly have been aware. It appeared that an officer who had brought over specie as freight from China had been charged with the income-tax. He wished to know whether the right hon. Gentleman was aware of the circumstance, for, most assuredly it never could have been intended to make such a charge by the Income-tax Act.

The Chancellor of the Exchequer replied that the whole matter rested upon the question as to whether under the Income-tax Act, the profits derived from the carriage of this specie as freight was not chargeable with that tax. The matter was not one with which he could interfere as Chancellor of the Exchequer.

NATIONAL EDUCATION.] Mr. Hume said, that in rising to bring forward the motion of which he had given notice on the subject of national education, he feared that the discussion might not be quite so satisfactory as he could wish after the manifestation of excitement that had been recently produced throughout the country on the subject. His views however compelled him to take up the question in a different way from that in which it had hitherto been brought forward. He had not pressed the matter on the House during the present session, but had waited in the hope that her Majesty's Government—for it was a task which could be successfully prosecuted alone by them—would have been induced to adopt some such plan as he should suggest to the House. It was impossible for any individual member to carry any such measure as that for

the adoption of a plan of national education; it therefore became the duty of the Ministers of the Crown to take up such a plan. He had arranged with his hon. Friend the Member for Bath, in the first week in the session, that he (Mr. Hume) should bring this subject before the House; but when he heard the notice that it was to be brought forward by the noble Lord the Member for Dorsetshire, he waited in hopes that the noble Lord would induce the Government to take up the subject. He had further postponed his motion, after the failure of the Government plan, in hopes that the noble Lord the Member for London, who had so often taken an active part in the matter, would have taken it; but as that noble Lord had not, and as the Government had not, he felt called upon, before the close of the session, to submit his views to the House. It was impossible for him, after having occupied his mind with the subject of the diffusion of general education among the people, for a period of upwards of thirty years, when the subject was not fashionable as at present, not to feel the greatest interest in any thing calculated to promote that object. His views were confined entirely to secular education, and he, no doubt, should be told that the greatest difficulties would be found to exist in the way of carrying out such a proposition. He, however, entertained no such opinions as to the difficulties in the way were the Government to take up the matter. He alluded to the principle of the measure, and not to the details, which must be a matter of arrangement. He intended to ask for leave to bring in a bill for the establishment of schools to promote a sound education for the rising generation of the United Kingdom at the public expense, without wounding the feelings or injuring the rights of any sect or class of the community, confining the business of the schoolmaster to the secular and moral training of the children, and leaving all religious instruction to religious teachers distinct from the school. If the House would agree to the simple principle involved in this point, namely, that education was a good, and that it should be imparted to every individual in the country, the only difficulty then was as to how this should be carried out. He admitted that it was hardly possible to expect the House to agree to all the details of a matter of this extensive nature at once,



He knew that the objections that might be entertained could hardly be expected to be removed by a simple statement, such as he was about to make; but he trusted that he should be allowed to introduce the bill, so that he might be enabled to show by what means he proposed to carry his views into practice. He might be allowed to introduce the bill, and have it printed, and no one would be pledged to its details. His opinion was that education should be a national object, and that any plan for its establishment should be controlled in its operation, and superintended by the Government, but that the details should be carried out by those connected with local interests, and by whom the expense was defrayed. All the attempts made in this country to promote any extensive system of education had been defeated by attempting to unite religious and secular education together. He was convinced that no one could successfully carry out a general system of education in which an attempt was made to keep those two principles united. He, therefore, wished that the House would adopt the general principle for the establishment of a secular plan of education, and afterwards to look to the clergy of the various denominations to impart religious instruction to the pupils. When they had a system in which all could agree, and all co-operate and act harmoniously together, they might look for that beneficial result which had hitherto been prevented by the partial and contradictory opinions which prevailed. Instruction might be given and morals imparted, to the rising generation, without the schoolmaster being called upon to teach a more important branch of knowledge. The province of the schoolmaster should be confined to imparting moral instruction, and to the clergy of the various denominations should they look for the diffusion of religious instruction. Looking to England, divided as it was into twenty different sects, if they asked for the co-operation of the clergy of all classes in promoting 'a combined system of secular and religious instruction, they could not obtain it. Those parties could not agree as to the nature of the religious instruction that should be imparted. The dogmas of each sect differed, each man entertaining a strong conscientious belief that he was right, and that the course which he recommended was the best, or, indeed, the only safe course, and none would yield up

to others that which was to confer such a great benefit as the instruction of the young. If such benefits as had been pointed out by the most eminent writers were derived from the diffusion of education, was it not of the utmost importance that the Legislature should take steps to insure its general diffusion, and that in such a way that our just expectations should not be disappointed. Many disputes had often arisen on this subject from a want of a proper definition of terms, particularly the meaning of the term secular. He was anxious to show the difference between secular and religious instruction, and on this point he might refer to various authorities, but he should be satisfied with one quotation. Hooker's definition of education (the hon. Member was understood to say) was the formation of the mind in youth, or it was that system which by reasoning and precept taught youth to make the distinction between truth and error in the intercourse between man and man. He wished secular education to be confined to such matters as referred to acts between man and man; and he would confine the business of the schoolmaster to this. And when it appeared that, by endeavouring to combine the two systems of religious and secular education, the result was a failure, was it not better to take steps to secure the adoption of a general system of secular education as preliminary to religious instruction? Men who had been instructed in worldly knowledge were always better prepared to receive religious instruction, than those who had received no instruction at all. Reading, writing, and arithmetic did not constitute knowledge, but were the means by which knowledge could be acquired. It was of the greatest importance that every youth should be subjected to that discipline which existed in a well organised school, by which self-denial was acquired, and the scholar learnt the advantage of order and regularity, and command of temper, and by this course of proceeding he would become a sober, intelligent, and upright man. He did not wish to prevent the diffusion of religious instruction, far from it, but he wished to promote secular education for all. To show that the matter of education was regarded as of the deepest public interest, he would state that 25,705 petitions had been presented, which were signed by 4,389,496 names on that sub-

ject. During the annals of Parliament, in any one Session, on any one subject, so many petitions expressive of public opinion had never before been presented. The right hon. Baronet the Secretary for the Home Department would bear in mind that almost on the first time that he introduced his bill, he told the right hon. Gentleman that it would be impossible to carry it out in the then state of society, and he urgently requested him to separate it into two parts, the one for secular instruction, and the other having reference to the factories, and to have nothing to do with religious instruction in connection with his bill. The number of petitions presented in favour of the bill, or for some general education, was 170, and signed by 312,669 persons. The number of petitions against the educational clauses of the bill, that was, against placing the education of the people both in a secular and religious sense, under one religious body, was 25,535, and signed by 4,064,832. Now this showed the state of public feeling against any attempt to unite the two descriptions of education. If they looked to the various petitions that had been presented, it would appear that the feeling was against giving the control of education to the members of any one religious denomination. The petition of the independent Presbyterian Baptists, within twelve miles of London, prayed for a solid education of the labouring classes, founded upon scriptural principles. The petition from West Bromwich stated, that a religious and moral education of the people would prove a great public benefit. The petition from the Wesleyans recommended an education of the people founded upon scriptural principles. The prayer of the petition from the Protestant Dissenters of Walsall was to the same effect. Other petitions prayed for any plan of general education for the poor. One of these was from the synod of Glasgow, and another from the congregation of the Surrey chapel. These were the sum and substance of all the petitions; and as they combined scriptural with secular education, could any plan be devised for carrying the prayers of the petitions into effect? He would say none. There was no plan of general education which could combine religious instruction for churchmen, Roman Catholics, Wesleyans, and Protestant Dissenters. Of this there had already been sufficient proof. He did not

mean to say, that the religious instruction of children should be lost sight of, but if the House attempted to take the two steps in conjunction they would fail in both. By adopting one—by furnishing the means of a sound moral secular education they would do much good, and, by means of the schoolmaster, prepare the way for that religious instruction which it was the duty of the clergyman to give; and if, as was clear, it was impossible to do both together, why not do the next best thing, and proceed with one? On the 28th of February—and he called the attention of the House to the fact, because he heard with delight the right hon. the Home Secretary express his intention to carry out the object of the noble Lord—on the 28th of February the noble Lord the Member for Dorsetshire made the following motion:—

“That an humble Address be presented to her Majesty, praying that her Majesty will be graciously pleased to take into her instant and serious consideration the best means of diffusing the benefits and blessings of a moral and religious education among the working classes of her people.”

That vote was carried unanimously. The House did not then affirm an intention of carrying the religious and secular education at one step. The resolution pledged the House to adopt the best means of diffusing moral and religious education. He (Mr. Hume) was of opinion, that the schoolmaster could inculcate moral and secular, but not religious, instruction. He could prepare the pupil for what related to this world, and guide him as regarded his actions between man, and this, if they had the means, as he would show they had, the House was bound to see performed. On the 8th of March, he found that her Majesty was pleased to return the following answer to the Address of that House:—

“I have received your loyal and dutiful Address.

“The attention of my Government had been previously directed to the important object of increasing the means of moral and religious education among the working classes of my people.

“The assurance of your cordial co-operation in measures which I consider so necessary, confirms my hope that this blessing will be secured by legislative provisions.”

He believed that her Majesty's Ministers, who dictated this answer, were prepared to advise that the best means should be adopted to carry out this principle;



but he was sorry to say, that the measure proposed by Ministers was not such as was calculated to carry out the intention expressed in her Majesty's reply, and the House was consequently called upon to adopt some measure for rescuing the country from the danger which was likely to ensue from an ignorant, and by consequence a vicious population. If any doubt were entertained that ignorance and vice went hand-in-hand, he could prove it on the authority of the best and wisest men, and could show to a committee up stairs that moral training, even exclusive of religious instruction, was sure to be followed by the most beneficial effects to society. It was therefore due to the children of this country—it was due to the State, and it was due to themselves, to provide that the children of the working classes should not grow up to manhood ignorant of the principles, a knowledge of which would enable and induce them to support the institutions of the country in peace and in order; or, if they differed from and wished to change those institutions, to enable them to support the grounds upon which they proceeded with valid and rational arguments. To withhold those means was a grievous sin against the community, of which they had a just right to complain; and, at the present moment, the results of such a proceeding were but too obvious. He would adduce some instances to show, that no population which was ignorant, and consequently vicious, could be happy, whatever might be the state of trade or commerce. Such a population must necessarily want that self-control and self-denial, without which no advantages, however great, could be properly enjoyed, and without which no population could be happy, moral, or contented. It might be said, that the expense to the community would be too great, but he would prove, if a committee were granted, that the restraining of vice by means of education would, instead of an expense, be a saving to the community: a saving would be effected in gaols; a saving in the expense of transportation, in the extent to which it now took place; a saving in the trials of criminals; and a saving in the amount of property pillaged of more than a million of money, which was a sum much more than would be adequate to the instruction of the people. Add to this the different aspect which society would then present in its improved comforts and morals. He

would refer to two or three documents of an important character, and calculated to attract attention. In the 5th report of the inspectors of prisons, it appeared that the number of prisoners incarcerated in 1839,—and the increase since was 10,000—was 54,579. Of these the numbers who could neither read nor write was 23,482; of those who could read, only 11,537; of those who could read imperfectly, 19,567; and of those who could read and write well, 2,380. Taking these and the number of convicts together, they amounted to 77,121, and of all those who could read and write well there were but 5,000. This state of things was, surely, a reproach to any legislature which had it in its power to remedy it. With regard to the juvenile offenders, it appeared that there were 1,073 males, and 217 females; and the whole result was to exhibit a state of things which was a reproach to this country, for no other country in the world exhibited anything so discreditable. At the summer assizes in York, Mr. Justice Cresswell, in addressing the grand jury, regretted that he could not congratulate them on the state of the calendar, as he found crime on the increase. This was an indirect accusation of the Government. From a statement relative to Birmingham, which was divided into two parishes, it appeared that there were 23,900 persons who received no education. Was that a state of things which should be permitted to continue? On inquiry it had been found that there was only 5 per cent. of the population who were so poor as not to be able to afford education to their children, and that 10 per cent. who were capable of doing so would not afford it. Was not this a matter of the utmost importance, and well worth the consideration of the House? It was the bounden duty of the Parliament to see that the people were properly educated, that their moral as well as their physical wants should be duly attended to, and that they should be rendered fit to become useful members of society. In his opinion education ought to be made compulsory, and the doing so would not be inconsistent with the freedom of our institutions. He would not, in saying this, have the Government take the entire direction in its own hands. It was a question which he would have submitted to the consideration of Parliament. Neither would he

interfere with any of the existing schools; but none of the people should be left to the danger of ignorance, and but few if any would be so left should his plan be adopted. Every district should be called upon to ascertain the number of those within it who had not the means of furnishing their children with education, and then to provide schools and maintain schoolmasters for their education. The expence he would propose to pay out of the local property, because that property suffered most from ignorance and its concomitant—crime. He would not propose to give pre-eminence to any religion or sect, as his plan did not meddle with them. He would have the community of the district who contributed to the fund meet once a year to elect a committee, of which there should be a partial change annually by one-third going out; and to this committee should be entrusted the management of the fund, at the same time that their accounts should be made public. He would also have a board sitting in London for the purpose of carrying out the Parliamentary plan; and he would also have visiting inspectors to report in how far the intentions of Parliament were adhered to or deviated from. There would be no difficulty in the plan. It had been successfully adopted in many countries, and was acted on in all the district divisions of New York. An intelligent gentleman had informed him, that of the 138,185 persons who formed the population of the borough of Birmingham, there were 35,500 under ten years of age. Of that number, about 8,373 were estimated of a much tenderer age. These would not be able to attend the common schools, but would require infant schools, or else would not be educated at all; and perhaps it might not be considered a matter of much importance if children, at so young an age, were not educated; but it was wonderful what impressions might be given at an early age, and there might be, in every district, infants schools in addition. Taking Birmingham as a fair specimen of the state of the population of the country, the House would see what proportion of the entire population it would have to provide for, the proportion would be about  $2\frac{3}{4}$  per cent. Every ratepayer having a voice in the choice of the committee, would be an arrangement tending to remove the jealousies on this subject which existed in

the country. The details by which the system of education might be carried out would be matter for consideration; and if any suggestions of his were found erroneous, they could refer to the practice of other countries. He had got an account of the state of Wolverhampton and Manchester, but he thought the example of Birmingham might be taken as a specimen of the state of other towns. He had been anxious to have similar information with respect to the agricultural districts, and had pressed for an inquiry at the close of the last Session. The right hon. Baronet opposite consented to institute one; but as regarded education the statements of the commissioners were very defective. From his own information, however, he was led to believe that the agricultural population were not better instructed than the manufacturing; on the contrary, he believed, that in many of the large manufacturing towns the population were better instructed than the agricultural population; and there could be no doubt the establishment of mechanics' institutes had improved the minds of all who attended them, and tended to the promotion of peace and good order. There was not an instance of a well-educated population being otherwise than an orderly, moral, and quiet, population. With reference to drunkenness, the vice that led to all others, it was impossible to believe that if the working-classes were well-educated they would become the victims of drinking, for their minds would be too much improved, and directed to other objects. Looking at the statistics of London from 1831 to 1842, he found with satisfaction that an immense improvement had taken place, and that drunkenness had decreased by one-half in this metropolis during the last ten years. The causes of this improvement might be various. He believed that education had been somewhat extended, though not to such a degree as to account wholly for the improvement. But means had been adopted to direct the minds of the population to other objects besides drinking. He found that it was the opinion of the Police Commissioners, Colonel Rowan, and Mr. Mayne, that not only the establishments of schools, but the admission of the population to public places had tended in a great degree to effect the change which had taken place. He believed, that the House could not reflect



on, without satisfaction, what was now passing in that neighbourhood; for thousands of that part of the population, which was formerly considered to be dead to a sense of the fine arts, were daily beholding with the greatest interest the exhibition recently opened in the vicinity. When such an advancement was seen to have been made in the public taste, it would be lamentable if means of improvement were not placed within the reach of every individual, however humble. By the London police returns for 1842, it appeared that 65,704 persons were taken into custody. Of these 2,591 were under ten years of age, and 14,250 under fifteen years, making a grand total of 16,841 under the age of fifteen. Of the whole number, 19,850 persons could neither read nor write, and 38,829 could only read and write imperfectly. Under these circumstances the House would be to blame, if, having the power, it did not take means to improve the population. The whole number who could read and write well was 6,464, and those who had received a superior education amounted to 561. He had alluded to the decrease of drunkenness, and he would now state some details on the point. In 1831, the number of persons taken up for drunkenness was 32,353, of whom almost 19,000 were men, and 12,000 females. In 1842, the amount of this vice had greatly decreased, the number of persons taken up for drunkenness being 12,338, of which 7,988 were men, and 4,350 females. And much of this most valuable improvement was attributable to the improved direction which had been given to the public curiosity and interest, by mechanics' institutes, by throwing open places of intellectual and artistic resort to the public, and by similar means. No one who saw what was passing daily in Westminster Hall, who witnessed the deep interest with which the works of art there were viewed by a never ending succession of anxious crowds of people, namely, of those classes who had hitherto been supposed to be hopelessly dead to all the more elevating feelings—no one who witnessed this most cheering and gratifying sight, but must admit that a most important moral change had taken place among the people. It was the duty and the interest of Parliament to foster this improvement to the utmost possible extent; to erase, by every means in their power, the plague spot of ignorance, which

had hitherto so disguised the fair face of this country. So late as a century and a half ago, in the year 1696, one of the last acts of the Scottish Parliament, was to pass a law providing for the secular education of the people, entrusting the management of their plan to the Presbytery, a mixed body of churchmen and laymen, and carefully excluding any grounds for sectarian jealousies, by taking care that religious opinions should not enter into the arrangements. All the children learned one common catechism, but no peculiar doctrines were taught, except on Sundays, when the children heard spiritual lessons read by their respective ministers. This was the principle upon which the Parliament should now act. A private individual, who had the means, would justly be condemned as a brute if he did not educate his children. Why, then, should not the State educate such of its children as were destitute of the means of providing that inestimable blessing for themselves? In the report of the commissioners of Poor-law Inquiry, education was described as a means of preventing the people becoming chargeable on the poor-rates; and a similar observation was made in the report of the handloom weavers' commission. In fact, in proportion as each man was educated he became more valuable. He had statements in reference to the state of Massachusetts, which showed the advantage which every person connected with manufactures derived from having instructed workmen. Mr. Mills, of Boston, stated, that among the persons he employed, he had 300 Irish, who, not being instructed, gave him the greatest trouble and did the least work; and he had come to the conclusion that he would never retain in his service uneducated workmen. Three individuals who had been in charge of that establishment all concurred in laying down this as a principle which had been tested by them for several years. If such, then, had been the results, why had Parliament allowed such masses of ignorance to exist so long in this country? It was said it would be impossible, that with the institutions of this country, such a system as that which he (Mr. Hume) had described could be carried on; he denied it altogether. He held in his hand reports as to the condition, in point of education, of the states of Massachusetts, New York, and Connecticut. He would only refer to one of those

reports to show how easy, and with what advantage to the population, the system was pursued. In this country Parliament hesitated to apply 30,000*l.* or 40,000*l.* per annum, while in the United States they did not hesitate to apply 200,000*l.* to the purposes of the education of the people. In the state of New York there were 184 towns and 10,893 districts, and there was no district without its appropriate schools. Besides the schools there were libraries in all the districts and towns. The money paid for the support of education in the year 1841 was 1,057,000 dollars. The city of New York, moreover had its own institutions; had its schools and its libraries, and expended on them the sum of 98,000 dollars. Now let him show the House the result of this system. In the state of New York the whole number of children between the ages of five and sixteen, the ages when they were expected to attend school, was 601,075, while the children actually at school was 588,000, leaving only 13,075 children who did not attend school either in winter or in summer. Let them compare that picture with the picture of education in England — England which counted its millions of pounds where New York had only its thousands of dollars. The moral advantages of such a system were unspeakable. He called the attention of the House to that as an example most worthy to be followed. In the New York system, while the government laid down the plan and preserved the inspection of the schools, the management was left to the people. The inhabitants of each district chose their own managers of the schools; but they were all subject to be looked after by inspectors. That system was carried on without any unnecessary interference on the part of the government, and there was no reason to suppose, on those various points he had mentioned, that such a system might not be carried on under our Government. It was well known that in no part of the world was there more attention paid to religion than in New York; yet the government of that state applied 208,000*l.* per annum to schools and 28,000*l.* per annum for libraries. He would refer next to Massachusetts, the whole population of which, according to the census of 1840 was 734,258, and a sum, as we understood, of 102,000*l.* was annually applied to the purposes of school education. The schools were supported

by a tax levied on the population of the state at large. The number of parish schools was 3,103, and the number of scholars 131,000 in summer, and in winter 151,000. The result was, that each person received an excellent education for a sum which varied from 10*s.* to 3*s.* a head. At the same time that the secular education of the people was so well carried out, religion was carefully attended to. Besides the parish schools, there were eighteen academies maintained out of private funds, in which the children secured a professional or more extended education. With them the inspectors did not interfere. He did not know why we should not have such a system of education in England. In that state, he repeated, there was 102,000*l.* applied to education by a people amounting only to 734,000, while we who had a population of 24,000,000, only applied 30,000*l.* to the purpose. According to his plan, he would have the same thing done in England as was done in New York. That system, in fact, was already adopted in Scotland, and the principle was, that the property of the country should provide for the education of the people. He could assure the owners of property that it would be money well laid out. It would be most beneficial to themselves, and he doubted whether they could lay out a sum of equal amount, with equal advantage, as in providing education for the people. He would remind them, too, of the example of Holland. He had himself been in Holland three years ago, and had looked at the schools, but he had not made so critical an examination of them as Mr. Chambers, who had made a short tour in Holland, of which he had published an account. The result was most satisfactory. The hon. Member here quoted a long passage from Mr. Chambers's book, mentioning the address that had been issued to the clergy, first in 1806, recommending them to separate school learning from the doctrinal parts of religion, and the answers of some of the clergy, particularly that of the Roman Catholic clergy, which recognized the necessity of abstaining from teaching the doctrinal part of their religion in schools, and which the hon. Member said was highly creditable to them. The hon. Member also quoted that part of Mr. Chambers's book in which he describes his visit to a school, and the surprise of



the master that he should ask what religion the children professed, as that was a question the schoolmaster had never asked himself. Some of those children were Lutherans, others Calvinists, others Catholics, and others Jews. The hon. Member, in continuation, asked, why should not such a system take place here? He regretted, however, to say, that here it was directly the reverse, and our people were filled with bitterness against each other. The Church of England carried its exclusions to a great length. He was in the Isle of Wight for a few months last year, and he saw a school there, a very good school, large enough for all the children of the parish, but into which, not a single child belonging to a Dissenter was allowed to enter; every child was obliged to say the catechism of the Church of England, and without saying that, no child was admitted into the school. The Dissenters were not so exclusive as the Churchmen; they admitted the children of all sects and classes. To him, that appeared an excellent plan; and it did not exclude the Scriptures, for selections from the Scriptures were read in the lessons, yet they were such parts of Scripture as might be read everywhere and by all sects. That was the system of the British and Foreign School Society, and in their schools there were no collisions between the scholars, though they received the children of the different sects. In his opinion it was a good principle which this society generally acted on, that each child should, if possible, pay something for his education. That gave the children and their parents an interest in it, and made them attend better. What was the result of this common education in Holland? The hon. Member again quoted Mr. Chambers's tour to show its influence on the people. There were no people, he said, more religious or orderly than the Dutch. They followed a system of order, cleanliness, and self-denial which was remarkable. In Holland there were no idle boys playing about the streets as there were here; no young vagabonds preparing to fill our prisons. All the children were well instructed; and why, he again asked, should we reject such a system here? In Holland the benefits of that system extended to all classes, and he wished the House could compare the Dutch fishermen with the fishermen of England. He had seen the fishermen of Schevelling and he never saw more orderly

or better behaved men. The fishermen of our country were treated as outcasts, and were certainly not to be compared to those of Holland. Why should we not adopt a system which even taught the fishermen to be examples of piety? Some persons objected to that system that it was too much like the compulsory system of Prussia; but he thought that they were mistaken as to the nature of the Prussian system. Under the Prussian system every man was at liberty to instruct his own child. The Government did not interfere with that. He might instruct the child himself, or he might employ another person to instruct him, and the government only interfered when it found that the parent neglected the child and did not instruct him at all. Then the government interfered, and he thought with propriety and advantage. Because we would not do as was done in Prussia and Austria, we sat with our arms folded and did nothing—we saw the plague-spot in the land and did nothing to eradicate it. He did not think that what was done in Prussia was an interference with individual liberty, as all that was required was that instruction should be given, and that men should not be allowed to grow up in ignorance of their duties to themselves and others. He did not think it an invasion of liberty to compel parents to bring up their children so as to perform their duties as men, and their duties to the state. But when it was said, that we ought not to interfere, the right hon. Baronet (Sir James Graham) had brought in a bill which interfered more with the people than the Prussian system. The bill of the right hon. Baronet compelled all the individuals belonging to factories to attend school, and required them to produce certificates that they had attended, of a degrading form—so degrading, that he was not surprised that the people had refused to submit to the bill, and had opposed it. The Factories Bill was a complete system of compulsory education, applied to one class alone. Why was it applied to the factories alone? Why should not the agriculturists and the colliers be required to attend school? He regarded that bill as a very strong enactment compared to the Prussian system. By the Austrian law of 1821 no village was to be left without an elementary school, and he should be glad to see England adopt an enactment like that.

The population of Austria, exclusive of Hungary and Transylvania, was about 22,500,000, and they possessed 28,121 elementary schools, and 32,500 teachers. Austria, then, was not afraid of instructing the people. There were 10,280 teachers of religion, and upwards of 22,000 lay teachers. The number of children at school was 3,313,000. No man was allowed to have any employment, who could not read, and write, and cast accounts, and he thought such a test might be applied in England. He would like, also, to see some law to prevent the people marrying, unless they had acquired a certain degree of education. Certainly, the want of education led to early marriages, and led to an excess of population. Were it a rule that no man should obtain an employment who could not read and write, it would soon make the people apply themselves to education, and take an interest in it. In Austria, too, the Government took care to make all the means of instruction as cheap as possible; while we passed laws to make things dear. We passed laws even to raise the price of food; it would be better to imitate Austria, and pass laws to make books and other things cheap, and spread knowledge abroad. Austria had no fear that her population should acquire knowledge, and the English ought to be taught what they did not know, that she stood below Austria in the scale of education. In fact, England stood at the bottom of the scale of civilized Europe. There was, he believed, but one state lower, and that one was Portugal. Supposing Portugal to be 14, England was 13. Switzerland was 7, Prussia 8, Holland 9, and France and England were about on a par for ignorance, standing at 13. He thought the Government should set zealously about this subject next year, and in a few years, if not immediately, they would see the benefit of their exertions. They must not expect, however, to have good masters, unless they paid them properly, and treated them respectfully. At present, the office of instructing youth, was considered only a step to something else, and the consequence was, there was in our schools a perpetual succession of new men. That was one great evil, and one which he thought it was the duty of the Government to obviate by requiring a qualification for every person who wished to be a schoolmaster. Every schoolmaster should undergo an examina-

tion, and when no persons could be schoolmasters unless properly qualified, they would be well, or at least reasonably paid. It would be a very proper expenditure of public money if the property of every town or district were taxed for the purposes of education. He was of opinion with Adam Smith, that it would be easy to make the study of science universal, and to raise up a generation of competent and valuable teachers. If the Government would take the proper course of holding out sufficient inducement, they need not trouble themselves about searching for teachers; they would soon be found coming forward in abundance. That was one part of the plan contemplated in the bill he now wished to introduce. He did not require that large sums of money should be expended in the establishment and maintenance of model schools. Make the situation of schoolmaster worth looking after,—make it respectable,—make the calling of a teacher appear honourable to society, and then persons would readily enough, and at their own expense, educate and prepare themselves for the work, and come forward to be examined and employed. The model schools might be continued for a time; but they would in a little while be found unnecessary. He was satisfied that would be the case; it was not his opinion merely, but that of others. He had received a letter from a teacher of English, named Knight, one of the compilers of Knight's *Dictionary*, upon the subject of religious education; and the result of that person's experience was, that it was utterly impossible that religious education could be properly conducted in a mixed school of sectaries. He considered that secular education ought to be adopted prior to religious and moral education; and he mentioned from his own experience the evils of mixing up the two kinds of instruction, and stated the advantages of the other course, that which he (Mr. Hume) now recommended. He (Mr. Hume) regretted to find that the money which was granted by Parliament was not applied where it was wanted, where the places were too poor to found schools, but to the rich districts. The sums of money granted for the year 1840 and 1841 were in the following proportions:—The Church of England Schools received 25,355*l.*; the British and Foreign School Society, 1,170*l.*; the Scotch Schools, 980*l.*; the Roman Catholics,



150*l.* Total, 27,655*l.* In the year 1841-1842 the grants were—the Church of England, 21,330*l.*; the British and Foreign School Society, 4,140*l.*; the Scotch Schools, 1,775*l.*; making a total of 27,245*l.* Again he said, that was not a fair distribution of the money. In the bill which he proposed to introduce, the details would be given much more clearly than he could then announce them; but he did not, in proposing such a bill, ask the right hon. Baronet to commit himself in any way to his views. As the Parliament had determined, and the Queen had announced her approval of their determination, to forward education, he hoped that the Parliament would not be dissolved without some practical measure being adopted. His only object was to lay before the country the materials for thinking; and though he did not want persons to coincide with him in his plan, still he wished that all might be engaged in considering so important a subject during the recess. When he proposed his resolution, he must say that he did not expect to be interfered with. He had given time to others to propose their plans, and now he felt sorry to see others announce their intention of interfering with him. His object was to put down unpleasant feelings which existed between sectarians in this country. Peace and amity were secured between them in other countries, and he did not see why it should not be done here. As to the proposition of his hon. Friend the Member for Dumfries, he perfectly coincided with him in his views. He agreed with him in thinking that every department in the state ought to make a report of its proceedings. This ought to be done not merely by the Board of Education, but by every other board. He believed that if that were done—if upon a certain day in every year public boards were bound to make a report of their past proceedings, those proceedings would be more satisfactory, and there would be less good reason for finding fault with them. As to the resolutions of the hon. Member for Newcastle-under-Lyne, he must say that while he himself was anxious to put an end to the differences between sects, those resolutions he considered would set them squabbling as to how much each should get from the public funds. Therefore it was that he did not consider that the resolutions of the hon. Member could be properly introduced.

Then, as to the motion of the noble Lord, he must say that it was proposed in such general terms that he did not know what it meant. It proposed that her Majesty should do that which she had already declared her willingness to do. What more did the noble Lord want? He should expect to find the noble Lord not opposing but supporting his resolution. Looking, then, to what their duty was, and what they ought to do, as well as regarding the state of the country, he ventured to declare this to the right hon. Baronet, that if Wales had been better instructed than she was—if English masters had been sent there a hundred years ago—if the Welsh language had been put an end to years ago as it ought—[*Hear, and laughter.*]*—yes, he said so, because there was very little beneficial to be read in Welsh—he said the same of Gaelic, as well as of the Irish language, because there were not many good books in any of these languages—if facilities had been afforded for instruction in Wales—if the men of Wales had spoken English, if they were fully informed, he was sure they would not have had such disturbances in the country, and they would have found the people themselves more disposed to be obedient to the law. Influenced by these views, he hoped that her Majesty's Government would agree with his motion. He therefore begged to ask, in the words in which it stood in the votes, for leave to bring in—*

“A bill for the establishment of schools to promote a sound education for the rising generation of the United Kingdom, at the public expense, without wounding the feelings or injuring the rights of any sect or class of the community, but confining the business of the schoolmaster to the secular and moral training of the children, and leaving all religious instruction to religious teachers distinct from the school; to the end that general instruction and a spirit of Christian brotherhood and good will may be disseminated amongst all classes and denominations.”

Mr. Ewart trusted that it would be attributed to his zeal in the cause, if he undertook the duty of seconding his hon. Friend in favour of a more extended system of national education. He was happy in being able to do so on the general principles which his hon. Friend had advocated; though on particular points they might not entirely coincide. His hon. Friend had admitted the system of common religious instruction in the schools on those uncon-

tested points of Christianity on which all religious denominations might agree, while he reserved special doctrinal instruction for the pastor of the denomination to which each of the pupils might belong. He did not see why those beautiful precepts of Christian morality contained in the Sermon on the Mount, and other elementary parts of scripture, might not be points of union for different sects instead of points of separation, while distinctions of creed might be taught separately by the clergy of different denominations. This principle was not founded in theory alone; its truth had been proved in practice. In the corporation schools at Liverpool it had been tried with success, and in Ireland the combined system now united nearly 300,000 scholars. If they could happily agree on an united system, it must be one of perfect religious equality. No sectarian pre-eminence could exist in modern times. They must meet equally or not at all. The measure of the right hon. Baronet had justly roused the spirit of religious freedom; it had scattered the sparks of theological discord instead of diffusing the steady light of fair and equal education, and it had fortunately settled equality as the basis of national education. If he (Mr. Ewart) were to speak his sincere opinion, he should, perhaps, say that his hon. Friend (Mr. Hume) at this important period might have paused. He might have waited till another Session, when the exasperation of party had subsided, and allowed an interval of repose, in order that parties might become calmed, and possibly disposed to unite in one general, equal, and comprehensive scheme of national instruction. On another point also he differed by a shade of opinion from his hon. Friend. He did not think so highly of the compulsory system as his Friend. He believed that more was done by infusing into a nation an habitual respect for education, as had been the case in Scotland, by creating an almost hereditary feeling in its favour, than by compulsory enactments and rigid regulations. He, therefore, did not think the compulsory systems of Austria or Prussia so indispensable as his hon. Friend. But his object, in pursuance of the motion of which he had given notice, was to direct the attention of the House to the importance of causing an annual statement to be made by the Government on the progress and prospects of education. They had their

annual statement on the army estimates, on the navy estimates, and on the ordnance estimates. Why might not they have an annual statement on the education estimates, on the most important of all subjects, education? Education had extended under the authority of Government, into our factory system, into our system of prison discipline, and into our Poor-law unions. On all these subjects the Crown, the Parliament, and the public ought to be periodically informed. Within the last three years schools of design, of great importance to our manufactures and to the arts, had been established. They were, more or less, supported by the public funds. The public ought to learn from the Government what was their condition, their prospects, and their progress. And to this subject also the annual report of the Minister might refer.

An Hon. Member moved that the House be counted, and forty Members not being present, the House adjourned at half-past seven o'clock.

### HOUSE OF COMMONS, Wednesday, July 26, 1843.

MINUTES.] *BILLS. Public*—1<sup>o</sup>. Theatres Regulation.

2<sup>o</sup>. Moveables (Scotland).

*Committed*.—Coroners.

*Reported*.—Turnpike Roads; Slave Trade Treaties; Militia Ballots Suspension; Bills of Exchange; Stock in Trade.

3<sup>o</sup>. and passed:—Controverted Elections; Municipal Corporations.

*Private*.—1<sup>o</sup>. Miller's Estate.

2<sup>o</sup>. Hambro's Naturalization.

*Reported*.—Liverpool Fire Prevention; Glasgow Police; Leicester and Peterborough Road.

3<sup>o</sup>. and passed:—Liverpool Docks.

PETITIONS PRESENTED. By Mr. R. Yorke, from Harmony Hall, for Inquiry into the principles of the Rational Society, with a view to the better Government of the Country.—By Mr. Plumptre, from several Places for the Repeal of the Catholic Emancipation Act, and against any further Grant to Maynooth College.—By Mr. S. Crawford, from Colechester, for Vote by Ballot.—From Arundel, for Carrying out Rowland Hill's Plan of Post-Office Reform.—From Bolton, for a Ten Hours Bill.

INDUSTRIOUS CLASSES.—LOANS.] Lord Ashley moved the Order of the Day for the second reading of the Industrious Classes Bill, for the purpose of having the Order discharged, it being his intention not to proceed with the measure this Session, but to introduce a similar bill next Session.

Order discharged and Bill withdrawn.

DEALINGS OF FACTORS UNDER ADVANCES.] Mr. Milner Gibson begged to make some inquiries of the right hon. Chancellor of the Exchequer, as to the present



state of the Excise laws, affecting parties who had made advances on the security of consignments of exciseable goods. As the law now stood, exciseable goods *bonâ fide* sold and delivered to a purchaser could not be afterwards taken by the Excise in satisfaction of any duties which might be in arrear or owing by the manufacturer of such goods. This provision of the law did not extend to the case of exciseable goods in the possession of a factor who had made advances thereon. He wished to ask whether the Government had considered the propriety of extending the protection now given to purchasers of exciseable goods to those persons who made advances in cash, or by acceptances, on the security of such commodities? In short, whether the Government were prepared to place a factor as far as the extent of his lien went, under advance in the same position as a purchaser. It seemed reasonable that it should be so; for if the maker of exciseable goods could offer them for sale exempt from all liability to claims upon them, why not also offer them as a valid security for an advance of money? The other evening, he presented a petition from Mr. Michael Trueman, of Manchester, corn factor, who having made an advance of 2,380*l.* on the security of certain malt, was deprived of such malt then in his possession, in satisfaction of a claim for duties which the Government had against the maltster in respect of other malt—not the malt which had been consigned, but other malt. The petitioner stated that the advance had been made to the maltster in the ordinary course of business, and that it was the universal custom for corn factors to make advances in cash or to give acceptances upon security of consignments of malt. He knew it might be said that Mr. Trueman was bound to know the law, and that he made the advance with a knowledge of the nature of the security and of the priority of all claims on the part of the Excise, for duties due from the maltster; and, therefore, he had acted at his own peril. He (Mr. Gibson) begged to say, that the law was not easy to be understood, although the last Excise bill might be as intelligible as acts of Parliament generally were. The Board of Excise did not appear to know the law themselves, for, when application was made to the Excise in the first instance, the Board answered that Mr. Trueman's claim should be paid out of the proceeds of the sale of the malt, and a letter was also received from the secretary to the board, Mr.

M. Hutch, by Messrs. Croker, Dublin, in September, 1841, in which it was distinctly laid down as a rule of the Excise, that where a factor has fairly and *bonâ fide* received goods, and made advances on them, those advances would be allowed, but that in case of suspicion of fraud, the parties would be called on to prove the correctness of the transaction. No one had attempted in the slightest degree to hint that Mr. Trueman's conduct had not been perfectly straightforward and *bonâ fide*, and yet, notwithstanding the declaration of the board in favour of the claims of factors under his circumstances, Mr. Trueman had been deprived of his security, and was threatened with the loss of his money. The Court of Exchequer had been appealed to, the Treasury had been tried, nothing now remained but an application to Parliament, and he (Mr. Gibson) hoped that the Government would find out some mode by which Mr. Trueman would be prevented from losing the advance he had made, and which he had a right to make in the ordinary course of his business.

The *Chancellor of the Exchequer* said, that the complaint of the hon. Gentleman was founded on this—that an individual had been subjected to pay a sum of money which he had been adjudged liable to pay by the sentence of a court of law, and it was to get rid of that grievance that he had come to the House. The hon. Member now asked the Government to alter the law, which rendered persons who acted as factors for those who dealt in exciseable commodities liable to pay the duties of those for whom they acted, or in other words, to put factors in the position of *bonâ fide* purchasers. He could not consent to act upon such a proposal. He was quite ready to admit, that in the particular case referred to, the officer of Excise had made an erroneous statement, but he had done it on the authority of a case recently decided, which he supposed to have application to the matter under consideration. The question, however, had been referred to the law-officers of the Crown, who had declared a belief that the case did not apply, and therefore Mr. Trueman had been held to be liable in law to re-pay the money in which Mr. Armitage was indebted to the Crown. Mr. Trueman would have gained nothing if the sureties of Mr. Armitage had been proceeded against; because they, in turn, might have demanded the process of the Crown against him.

SCOTCH CHURCH.] Mr. *Bannerman* then rose to ask the right hon. Baronet at the head of the Home Department (Sir J. Graham), whether it were the intention of her Majesty's Government to remove from their professorships in the Universities of Scotland, those Gentlemen who have adhered to the Free Presbyterian Church; and also whether he had any objections to lay on the Table a copy of any memorial addressed to the Government from the colleges of St. Andrew's, relative to the removal or disqualification of the Principal of that University, in consequence of his having adhered to the Free Church.

Sir J. Graham would give all the information to the hon. Gentleman which he possessed. With respect to certain professorships, it appeared that many of the persons who held them had, upon conscientious grounds, and not in consequence of their being removed by her Majesty's Government, voluntarily surrendered their appointments, thinking that to retain them was inconsistent with their own views and sentiments. He was unable to give a general answer to the question of the hon. Member, because various professorships were held by peculiar tenures, and particular charters. Some of them need not be held by Gentlemen of the established religion: the right hon. gentleman the rector of the University of Glasgow (Mr. Fox Maule) was aware that the Greek Professorship of that University was held by an Episcopalian. The duty of the Government, in the cases of Dr. Chalmers and Dr. Welch, had been first to decide whether it were consistent with the charter under which they held their professorships that they should retain them. With respect to the second part of the question, respecting the memorial addressed to the Government from the college of St. Andrew's, relative to the removal or disqualification of the Principal of that University, in consequence of his having adhered to the Free Church, he was aware that Sir David Brewster, the gentleman alluded to, had ceased to be a member of the Established Church of Scotland, and it would be a question to determine according to law whether it was, therefore, consistent with the charter of the University that he should continue to hold the office of Principal. The matter had recently come under his cognizance, and he had referred it to the law-officers of the Crown in Scotland, for them to give their opinions on the subject.

Mr. Fox Maule said, the question de-

served the most serious consideration of Government; and, if they acted in the illiberal spirit of the memorial from St. Andrews, it would lead to the most serious consequences.

CORONERS.] On the motion of Lord Worsley, the Coroners Bill was recommended.

On clause first, "coroners to be paid 1s. 6d. per mile travelling expenses."

Mr. W. Williams moved, to leave out the words "and sixpence."

The committee divided, on the question that the words stand:—Ayes 59; Noes 48: Majority 11.

Bill went through committee with amendments. The House resumed—bill to be reported.

INCREASE OF THE YEOMANRY.] Mr. Fox Maule moved for a return of the names of the different corps of Yeomanry Cavalry which have been or are to be re-established on permanent pay and allowances, under the estimate of the present year. The right hon. Gentleman reminded the House that under the late administration the Yeomanry corps had been reduced to the advantage of the country. The present Government had increased the yeomanry and he thought, without any necessity. At least, whatever might be the necessity in the manufacturing districts, there was none whatever for re-embodiment of the yeomanry of Mid Lothian, for there was no disturbance in Scotland. He considered that, under the present circumstances of the country, when economy was so desirable, and the people were in such a state of distress, that the additional expense of 25,000*l.* expended on the yeomanry, was uncalled for and ought to have been avoided. The right hon. Gentleman concluded by moving for the returns.

Sir James Graham had been ready to enter upon the subject when he moved the estimates, had he been called on, and he had no intention of opposing the returns moved for by the right hon. Gentleman. At the same time he was bound to remind the House of the circumstances of the country when the augmentation took place. It was found necessary, on account of the disturbed state of the manufacturing districts. But he could not do better on the subject than read to the House a letter which he had received from the Duke of Wellington, and which had been written by him when he no longer required the



services of those corps. The right hon. Baronet read the following letter:—

“Sir—I have the honour to inform you that all the corps of Yeomanry Cavalry, placed at my disposal, and which, in consequence, have been acting under the general officers of the districts where the public peace has been disturbed, have been relieved from permanent duty, and have been permitted to return to their homes. The readiness with which both officers and men turned out for the service of their country, at a period of the year when it must have been very inconvenient to most of them to quit their usual avocations and business, merits the warmest commendation; and I must add, as especially deserving of praise, the activity, gallantry, discipline, and forbearance, with which they have performed the duties it became necessary to submit to them, in order to support the magistrates, and enable them to restore and maintain the public peace, protect property, and preserve to every individual of the community the right to labour, as he himself might be inclined, upon the terms to which he may have agreed with his employer. It is a great satisfaction to me to be able to report thus favourably of this most efficient body; and so sensible am I of the merits of the yeomanry, and of the value of the services they have rendered on this occasion, that I deem it my duty to request that you will lay the letter before the Queen, with my earnest recommendation that I may be honoured with her Majesty’s commands to express in general orders her most gracious approbation at their conduct, and her Majesty’s confident reliance on their zeal, loyalty, and devotion whenever it may be necessary to call again upon them for assistance. I have the honour to be, sir, your most obedient servant,

“(Signed] WELLINGTON.

“The right hon. Sir J. Graham, etc.”

It was not necessary for him to add one word to that letter, to show the efficiency of the yeomanry corps or their utility in supporting the civil power, and restoring the public peace when that had been disturbed. With respect to the augmentation, he had the high authority of the Duke of Wellington for saying, that last year, with a view to support the civil government, his grace had recommended in the circumstances of the country that the yeomanry should be augmented to the extent of 1,200 men; and he had advised that they should be raised in different localities. That recommendation had been carried into effect. He would not enter into further details, and he did not mean to oppose the motion.

Mr. Fox Maule did not dispute the high authority of the Duke of Wellington, but his Grace had recommended that the yeo-

manry should be embodied in the districts where the disturbances arose, and the right hon. Gentleman had called a body of yeomanry cavalry into existence where the country was very peaceful. He referred to the yeomanry of Mid Lothian, who had been called out when there were no disturbances whatever, either in the metropolis or in any part of Scotland. The right hon. Gentleman had stated no ground why that corps should have been raised, nor were there any circumstances which made it necessary to revive them in order to preserve the public peace. The only consequence was that the right hon. Gentleman had saddled the country with the expense of that corps, which, since 1819, had never been called on to perform any public service. Under the circumstances of the case he thought the services of that body were not required.

Sir James Graham begged to remind the House that the Midlothian Yeomanry were in the neighbourhood of the metropolis of Scotland, and that in general there was only one regiment of cavalry in Scotland. If any circumstances made it necessary to employ them—if any disturbance arose, more cavalry might be required. It was that circumstance which made the Duke of Wellington recommend that a body of yeomanry cavalry should be organised in the neighbourhood of the metropolis, and justified the restoration of the corps to which the right hon. Gentleman alluded.

Return ordered.

House adjourned at a few minutes before eight o’clock.

## HOUSE OF LORDS,

Thursday, July 27, 1843.

MINUTES.] BILLS. Public.—1<sup>a</sup>. Loan Societies Act Continuance; Slave Trade Treaties Act Continuance; Controverted Elections; Bills of Exchange Act Continuance; Militia Ballots Suspension; Stock in Trade Act Continuance; Municipal Corporations; Commissions for Affidavits (Ireland and Scotland).

Reported.—Woolen, etc., Manufactures; Bridges (Ireland). 3<sup>a</sup> and passed:—Defamation and Libel.

Private.—1<sup>a</sup>. Spalding and Deeping Roads; Liverpool Docks; Leicester and Peterborough Road.

2<sup>a</sup>. Burry Navigation (No. 2).

Reported.—Rochdale and Manchester Roads.

3<sup>a</sup>. and passed:—Edinburgh Water; Berwick-upon-Tweed Corporation.

PETITIONS PRESENTED. By the Earl of Bandon, from Sligo, against the Irish Poor-law.—From Carrigaline, for Encouraging the Schools in connexion with the Church Education Society.

DEFAMATION AND LIBEL.] On the motion of Lord Campbell, the Defamation

and Libel Bill was read a third time. The noble and learned Lord said, his noble and learned Friend (Lord Brougham) had suggested amendments in the 3rd and 9th clauses, of which he entirely approved. The object of those amendments was, that where a party charged with libel set forth that the alleged libellous matter was published for the benefit of the public, he should also be liable to be called on to show in what particular respect it was for the public good.

The *Lord Chancellor* entirely concurred in the amendments, which were for the purpose of carrying out more effectually an amendment he had himself proposed in an early stage of the measure.

Amendments agreed to.

Lord *Brougham* said, that in the sixth section of the bill an improvement had, on the suggestion of his noble and learned Friend, the Lord Chief Justice of the Queen's Bench been effected in the law, which he regarded as being the most important of any in the whole measure. It appeared that for years past a certain infamous and detestable class of persons—than whom there could not exist a more infamous and contemptible class in any condition of society—had carried on an odious traffic by threatening persons with the publication of libellous matter through the press, for the purpose of extorting money. His noble and learned Friend, the Lord Chief Justice, had truly remarked, that there was a marked difference between the case of such persons, and the case of those merely guilty of the publication of slander. He had suggested a clause imposing as a punishment for such offence, imprisonment with hard labour, for not less than three years. He found, however, that in order to render the enactment of the measure in this respect more effectual, it was necessary to propose a slight alteration. By the clause as it stood its enactment only applied to the actual publication of defamatory matter, for the purpose of extorting money; but he was anxious to see the object of the law carried out still further. In most cases of the kind the libellous matter was not published at the time of the threat, in which case it was difficult to get hold of the offender. Or, as in many cases it happened, the offender merely said—“Give me money, or I'll publish a libel against you.” [The *Lord Chancellor*: Yes; or he says, “Give me money, or I'll

mention you.”] Yes. Yet here was no defamatory libel. It was merely a threat to “mention.” Now, there were many persons who did not like even to be mentioned in a newspaper, particularly persons of the other sex. Such a threat was just as bad as the threat to publish a defamatory libel; yet, as the clause now stood, it would not affect such a case. Another common mode of extorting money was to say to a public man, “Give me 50*l.*, or give me a place, or I'll show you up.” Or a man would say to another, “Unless you give me money, I'll say something of you, which you will not like.” All such cases would not be affected by the clause as it stood; because by that it was necessary to show that the matter published was a defamatory libel. A threat of this kind was to make use of the press as a pistol was made use of by a highwayman on the highway. To meet the difficulty he had suggested, he would propose an amendment, which would leave the clause thus:—

“That if any person shall publish any defamatory libel touching any other person with the intent to extort money, or if any person shall threaten to publish any matter or thing touching any other person with the intent of extorting money, or any security for money, or any valuable thing, from any other person.”

And so on—then the clause shall take effect. He believed, that the additional words would secure the attainment of the object he had referred to.

Lord *Campbell* said, that as the law now stood, there was no limit to the power of imprisonment for libel. He allowed that there was no difficulty whatever in finding that words employed in a certain way would amount to a defamatory libel. Now, suppose a person said, “If you don't place money under a certain stone, or send me a certain acceptance, or give me a certain place, I will show you up in a certain newspaper, or mention you, or do something you do not like,” could any man doubt that that threat would amount to a defamatory libel? But what did his noble and learned Friend propose?—“That if any person should threaten to publish any matter or thing, &c.” [Lord *Brougham*: Touching any person.] Yes; but that was too general, too vague, and might be converted to improper purposes; “not only with a view to extort money, but to induce a person to confer an appointment, or obtain any place of profit or trust,”—that



that should be a misdemeanour. [Lord Brougham: It must be a threat.] It would be a threat, but he really hoped his noble and learned Friend would allow the clause to stand as it was at present.

The Lord Chancellor felt very anxious about this clause, and thought the objections to it were well-founded; but he was not prepared to say whether it was requisite to go so far as his noble and learned Friend suggested. The matter required consideration, and had better stand over for a short time.

Debate adjourned till Monday.

Their Lordships adjourned.

## HOUSE OF COMMONS,

Thursday, July 27, 1843.

MINUTES.] BILLS. *Public*.—1<sup>o</sup>. Landlord and Tenant (Ireland).

2<sup>o</sup>. Loan Societies; Prison Discipline; Limitation of Actions (Ireland); Ecclesiastical Jurisdiction; Stamps; West India Islands Relief; Excise.

*Committed*.—Law of Evidence; Warrants of Attorney.

*Reported*.—Coroners.

3<sup>o</sup>. and passed:—Loan Societies; Slave Trade Treaties; Militia Ballot's Suspension; Bills of Exchange; Marriages (Ireland); Stock in Trade.

*Private*.—*Reported*.—Earl of Gainsborough's Estate; McCulloch's (or Roupell's) Estate; Wilkinson's Estate. 3<sup>o</sup>. and passed:—Leicester and Peterborough Roads.

PETITIONS PRESENTED. By Sir W. Clay, and Mr. Masterman, from Steyney Union, Port of London, and the Tower Hamlets, in favour of the Coalwhippers Bill.—By Mr. Hamilton, from Westmeath, in favour of the Irish Arms Bill.—From two places, against any further Grant for Educational purposes; and from several places, for Encouragement to the Schools in Connection with the Church Education Society.—By Mr. Bannerman, from Aberdeen, against the Factories Bill; against the Merchant Seamen's Fund; against the Tenth Article in the American Treaty; against the Prisons (Scotland) Bill; for Carrying out Rowland Hills Plan of Post-Office Reform; and for making Seduction a Capital Offence.—From Individuals at Fishlake, and Stainforth, against the Names being signed without their consent to Petitions for the Repeal of the Corn Laws.—From Aberdour, and other places, for Inquiry into the Causes of the present Distress.—From Mayne, against any further Grant to Maynooth College.

ARMS (IRELAND) BILL.] The report of the Arms (Ireland) Bill was reconsidered.

On the question that the amendments be read a second time.

Mr. S. Crawford rose to move, instead of the motion, the amendment of which he had given notice, and which he read as follows:—

“That the unrestricted power of having, carrying, and using arms, for all legal purposes, is a right enjoyed by Englishmen and Scotchmen, and is one of the essential safeguards of freedom. That to limit or withhold this privilege, as regards Irishmen, creates an

unjust, impolitic, and insulting distinction, and is a violation of that equality of rights which can be the only safe and just basis of imperial legislation. That, therefore it is the duty of this House to reject any measure which would impose or continue such restriction.”

Such a measure as this had never been passed by the Irish Parliament, nor had any good ground for it been laid in the Imperial Legislature. The measure ought to be limited to those parts of Ireland which were in a disturbed state, and not applied to the whole country indiscriminately. In the charge lately made to the grand jury of the county of Down, the learned judge who presided congratulated them on the absence of any serious crime. It was dangerous to the people of England that such bills should pass, as the principles upon which they were founded might on some future day be applied to them also. If this bill were acted on, he himself, notwithstanding his desire for the continuance of the legislative union, did not see how he could abstain from advocating a separate legislature. Be the consequences what they might, he would not be a party to a charter of slavery against his country. A union maintained by such means ought not to be, and could not be continued.

Lord Eliot thought the observations with which the hon. Gentleman had prefaced his amendment, would have been more applicable upon the second reading of the bill. The House on the second reading had affirmed the principle that some restriction should be put upon the use of firearms in Ireland, and during the progress of the bill whilst in committee alterations had been made which had confined its operation to firearms. There were other clauses still to be brought up which would modify the bill still further, so as perhaps to meet the objections of some of the hon. Members opposite. By one of those clauses, it was enacted that if the time allowed for registration should not be found sufficient, the justices of the peace should be empowered to extend it. By another, all persons at present on the registry would have a *prima facie* right to be re-registered, and thus their attendance would not be required.

The House divided on the question that the words proposed to be left out stand part of the question. Ayes 99; Noes 44; —Majority 55.

*List of the AYES.*

A'Court, Capt.	Hope, hon. C.
Acton, Col.	Hope, G. W.
Allix, J. P.	Hughes, W. B.
Arkwright, G.	Hussey, T.
Baillie, H. J.	Irving, J.
Baring, hon. W. B.	Johnstone, H.
Barrington, Visct.	Jones, Capt.
Beckett, W.	Kemble, H.
Bernard, Viscount	Knatchbull, rt. hn. Sir E.
Borthwick, P.	Knight, H. G.
Boyd, J.	Labouchere, rt. hn. H.
Bramston, T. W.	Lyll, G.
Broadwood, H.	Lygon, hon. Gen.
Bunbury, T.	Mackenzie, W. F.
Burrell, Sir C. M.	Masterman, J.
Cardwell, E.	Maxwell, hon. J. P.
Chute, W. L. W.	Meynell, Capt.
Clerk, Sir G.	Milnes, R. M.
Clive, Visct.	Morgan, O.
Damer, hon. Col.	Mundy, E. M.
Darby, G.	Neville, R.
Denison, E. B.	Nicholl, rt. hon. J.
Disraeli, B.	Northland, Visct.
Dodd, G.	O'Brien, A. S.
Douglas, Sir H.	Pakington, J. S.
Douglas, Sir C. E.	Peel, rt. hon. Sir R.
East, J. B.	Polhill, F.
Ebrington, Visct.	Pollock, Sir F.
Eliot, Lord	Pringle, A.
Escott, B.	Richards, R.
Estcourt, T. G. B.	Round, J.
Filmer, Sir E.	Rushbrooke, Col.
Fitzroy, hon. H.	Russell, Lord J.
Flower, Sir J.	Russell, J. D. W.
Follett, Sir W. W.	Scott, hon. F.
Forman, T. S.	Shaw, rt. hn. F.
Fuller, A. E.	Smith, rt. hn. R. V.
Gladstone, Capt.	Smith, rt. hn. T. B. C.
Gordon, hon. Capt.	Smythe, hon. G.
Gore, W. O.	Somerset, Lord G.
Goulburn, rt. hon. H.	Stanley, Lord
Graham, rt. hn. Sir J.	Stewart, J.
Greene, T.	Stuart, W. V.
Grey, rt. hon. Sir G.	Sutton, hon. H. M.
Hale, R. B.	Tennent, J. E.
Hamilton, G. A.	Thornhill, G.
Hardinge, rt. hn. Sir H.	Vesey, hon. T.
Hardy, J.	Wilbraham, hn. R. B.
Hayes, Sir E.	
Henley, J. W.	
Hodgson, R.	

## TELLERS.

Fremantle, Sir T.  
Baring, H.

*List of the NOES.*

Aldam, W.	Fielden, J.
Barnard, E. G.	Ferguson, Col.
Barron, Sir H. W.	Forster, M.
Bowring, Dr.	Hall, Sir B.
Brotherton, J.	Hindley, C.
Clements, Visct.	Hume, J.
Colebrooke, Sir T. E.	Langton, W. G.
Collett, J.	Leader, J. T.
Duncan, G.	Mitcalfe, H.
Duncombe, T.	Mitchell, T. A.
Dundas, A.	Muntz, G. F.
Ewart, W.	Napier, Sir C.

O'Brien, W. S.	Trelawny, J. S.
O'Connell, M. J.	Wakley, T.
O'Connor, Don	Wall, C. B.
Plumridge, Capt.	Ward, H. G.
Power, J.	Wawn, J. T.
Protheroe, E.	Wood, B.
Roche, E. B.	Wyse, T.
Ross, D. R.	Yorke, H. R.
Scholefield, J.	
Strutt, E.	
Tancred, H. W.	
Thornely, T.	

## TELLERS.

Crawford, S.  
Blewitt, R. J.

*Amendments agreed to.*

Lord *J. Russell*, in proposing the clauses of which he had given notice, said the House had already disposed of the question whether or not it would continue the act now in force in preference to proceeding with the present measure. In his opinion, the continuance of the present act would have been the wisest course, but the noble Lord the Secretary for Ireland rejected that proposition without five minutes' consideration. He was about to propose a very considerable alteration in the most odious and offensive clause in the bill. He alluded to that clause, as one of those coming under the above designation, which enabled a magistrate or a constable under the warrant of a magistrate to open forcibly and to enter in search of arms the House of any person at any hour, whether by day or by night. There was nothing which in the eyes of Englishmen was held so sacred as immunity from all forcible entrance into their dwellings. The Englishman's boast was, that his House was his castle, and proverbial phrases such as these showed what deep interest was attached in this country to the sanctity of a private dwelling-house. With respect to the branding clause, many hon. Members on both sides of the House, and representing different counties in Ireland had expressed their opinion that the rich and the poor should be treated equally. The course which they pursued in this instance did them the highest honour. The clause to which he drew attention, however, was not likely to be enforced as against the rich. As the bill stood at present, it enabled any constable, at any hour of the night, to break into a man's house if refused admission. It warranted them to enter the bed-rooms of men's wives and daughters, and exposed women to the insult of having the privacy of their chambers violated and invaded. How would Englishmen feel if their country was proposed to be subjected



to the operation of such a law? It was very well to say, let the rich be treated in the same manner as the poor, but why should the provisions of the law be extended beyond what the necessity of the case required? Why give such power to a magistrate, who, in a hasty moment, might exercise it against a neighbour who opposed him at an election, or might resort to its use at the prompting of some temporary panic? They should take care not to induce a suspicion in Ireland that the administration of the law was placed in the hands of those who were supposed to be enemies to the great body of the people. In 1819, an enactment was passed with respect to England authorizing houses to be entered for the purpose of search, but this power was confined to certain counties, with authority to his Majesty in Council to extend the power to other counties and districts, from time to time, as might appear fit. Apply such a law as this to Ireland, and though the Government had not stated that any particular counties were in a state of disturbance, yet as they were all aware that there were certain counties more disturbed than others, let it be left to the Lord-lieutenant to proclaim such counties as might appear to require the operation of the present bill. In counties where tranquillity prevailed, he did not see why the people's feelings should be offended by the general application of the bill. The Government had admitted, that in great part of the country outrages had not increased, and under these circumstances he did not conceive it just to give a power to any two magistrates to order houses to be entered at any time of the night. He considered it, too, the bounden duty of the Lord-lieutenant not to shrink from responsibility with respect to the enforcement of this law, wherever its enforcement might be deemed necessary. He thought it was too much the case already, that the Lord-lieutenant and the Executive of Ireland shrank from the responsibility belonging to them. If his suggestion were adopted, the country would have the means of knowing whether a necessity existed for the application of the law in each particular case. He might be told, that if a particular county was proclaimed, arms might be brought into it from a distance. No doubt this might be the case; and so also arms might be concealed in parts of England and Wales; and it might just as

well be said, that it was necessary on this account to extend the law to such parts of England and Wales, as to the more tranquil counties of Ireland. He had seen in a newspaper of that day that a barbarous murder had been committed in Ireland by means of a hammer; and he asked whether it was not more likely that a hammer or stone would be used for the purpose of murder, than that the delinquent parties would go forty or fifty miles to obtain a gun or pistol? The general law of the constitution should prevail, unless a grave case of necessity for the contrary was made out, and the circumstance that parties might go into a distant county for arms was not such an obvious case of necessity as justified Parliament in granting this odious power. The noble Lord concluded by moving a clause that the provision of the act which authorizes a magistrate to enter a house, or search for arms, should not be enforced, unless the district be proclaimed by the Lord-lieutenant.

Clause brought up and read a first time. On the question that it be read a second time,

Lord *Eliot* said, the noble Lord had begun his speech by expressing some surprise that the Government had not acceded to his proposition, and renewed the existing law for a year; and the noble Lord then endeavoured to excite the sympathy of the House for those persons, the sanctity of whose dwellings might be violated under the present bill. Now he desired the House to mark the inconsistency of the noble Lord's argument. The noble Lord proposed to renew a law, under which the right of search existed to a greater extent than under the present bill; for the alterations made in the committee on the bill modified the right of search, as compared with the existing law. The noble Lord wished to restrict the operation of the bill to disturbed districts. What was the meaning of the word "disturbed?" The meaning of that word was expounded in the noble Lord's own coercion bill of 1834. He apprehended that a disturbed state was a state of circumstances when there was an open violation of the law, bordering on insurrection, and it would be impossible for the Lord-lieutenant to issue a proclamation declaring a district to be in a disturbed state, unless there were in it not merely the commission of murders and agrarian depredations by individuals, but

armed bodies of men openly violating the law. Supposing a man were refused a license for arms, and yet, notwithstanding the refusal of the license, kept arms, the magistrates would not under the noble Lord's clause have the power of taking the arms from that individual. He thought the adoption of the noble Lord's proposition would altogether frustrate the objects of the present bill, and render nugatory the clauses for the registration of arms. The noble Lord had alluded to the act of 1819, applicable to England; but the state of England then was different from the state of Ireland now. In 1819 there was in England open resistance to the law by armed bodies of men. This was not the case in Ireland at present. The power of search had existed for fifty years, and he did not think there was a single petition from any body of people in Ireland complaining of its undue exercise by the magistrates; while the existence of such a power gave to the peaceable and loyal inhabitants a confidence and feeling of security, which they otherwise would not possess. For these reasons he opposed the noble Lord's clause.

Mr. *M. J. O'Connell* agreed in the noble Lord's statement that the condition of England in 1819 was different from the present state of Ireland; it was worse, and yet this was a reason given by the noble Lord for not extending to Ireland that safeguard which England was then allowed to have. It was satisfactory, after all the annoyance which the Members on the Opposition side were supposed to have created during the discussion of this bill, to find the noble Lord referring to the amendments which had resulted from that discussion, as a reason for not acceding to the present motion of the noble Lord the Member for the city of London. The noble Lord (Lord Eliot) said, that a license for arms might be refused a man, and yet, under the clause now proposed, that man might keep arms, and the magistrates would have no power of taking them from him; but if no disturbance resulted from his keeping arms why should this power be granted to take them away? The noble Lord (Lord Eliot) had made the present bill less stringent in this respect than the old law; but if he consulted the real interests of Ireland he would adopt the amendment.

Mr. *Ross* contended that in many counties in Ireland, in Antrim in particu-

lar, crime was diminishing, and yet the Government had pursued a system of search for arms, and had actually taken arms from poor people who had been guilty of no offence. He took the same view of the question as the noble Lord the Member for the city of London, and he protested against the extension over the whole island of a law which ought only to be brought into operation and applied in cases of extreme necessity, such as a state of insurrection or when aggressions and acts of violence were of common occurrence. Neither one nor the other of these conditions could now be spoken of as applicable to the present state and condition of Ireland. If that country were in a state of insurrection, he should be the last man to oppose a bill of this kind, but until the Government showed the existence of some such causes as those he had mentioned, and put them forward as the foundation of their legislation, he should raise his voice as long as he was able against such a measure. When the noble Lord the Secretary for Ireland stated just now that no serious mischiefs had been produced by the night searches for arms, he must have forgotten the statement made a few nights ago by the hon. Member for Kildare (Mr. *M. O'Ferrall*). The noble Lord had forgotten that a whole district had been thrown into confusion by one of these night searches, in the course of which a cottage had been broken into and the women inhabiting it wantonly insulted. He had already recorded his hostility to the measure, and he should be glad if he could sit down with the slightest hope that the cogent arguments of the noble Lord the Member for the city of London would be productive of some effect upon her Majesty's Government, and induce them, by the adoption of the clause proposed, to deprive the bill of provisions so hostile to the feelings of the people of Ireland.

Mr. *Ewart* condemned the policy pursued towards Ireland by the present Government. That policy was one of inaction, or in other words, it was this,—“Leave Ireland to herself, and possibly, in time, she will become tranquil.” Now, was that policy consistent with a stringent measure such as that now under the consideration of the House? On the one hand it was said, “Leave Ireland as she is,” and on the other there was introduced a measure most calculated to increase ex-



citement in that country. Nothing could be more inconsistent. He should have been glad if the noble Lord the Member for the city of London had moved some more decided amendment; but as it was, the clause proposed should have his support.

The *O'Conor Don* said the noble Lord the Secretary for Ireland had alluded to the feelings expressed by grand juries in Ireland with reference to this bill, and he merely rose to state that he had lately been on the grand jury in the county of Roscommon, and that even the Conservative Gentlemen upon that jury were not favourable to this bill. He most cordially supported the clause moved by the noble Lord.

The House divided on the question that the clause be now read a second time: Ayes 65; Noes 109; Majority 44.

#### *List of the AYES.*

Aglionby, H. A.	Morison, Gen.
Archbold, R.	Muntz, G. F.
Barclay, D.	Napier, Sir C.
Baring, rt. hn. F. T.	Norreys, Sir D. J.
Barnard, E. G.	O'Brien, W. S.
Blake, M. J.	O'Conor, Don
Blewitt, R. J.	Plumridge, Capt.
Brotherton, J.	Power, J.
Cavendish, hon. G. H.	Rice, E. R.
Clements, Visct.	Roche, E. B.
Colebrooke, Sir T. E.	Ross, D. R.
Cowper, hon. W. F.	Russell, Lord J.
Crawford, W. S.	Scholefield, J.
Dundas, Adm.	Smith, rt. hon. R. V.
Ebrington, Visct.	Stuart, W. V.
Ewart, W.	Strutt, E.
Fielden, J.	Thornely, T.
Ferguson, Col.	Trelawny, J. S.
Fitzroy, Lord C.	Tufnell, H.
Fitzwilliam, hn. G. W.	Tuite, H. M.
Forster, M.	Wakley, T.
Fox, C. R.	Wall, C. B.
French, F.	Ward, H. G.
Gill, T.	Wawn, J. T.
Gore, hon. R.	Williams, W.
Grey, rt. hon. Sir G.	Wood, B.
Hastie, A.	Wood, C.
Hume, J.	Wood, G. W.
Labouchere, rt. hn. H.	Wrightson, W. B.
Lemon, Sir C.	Wyse, T.
Mangles, R. D.	Yorke, H. R.
Mitcalfe, H.	
Mitchell, T. A.	
Morris, D.	

#### *List of the NOES.*

Acton, Col.	Banks, G.
Allix, J. P.	Baring, hon. W. B.
Arkwright, G.	Barrington, Visct.
Astell, W.	Beckett, W.
Baillie, H. J.	Bernard, Visct.

Boldero, H. G.	Lincoln, Earl of
Borthwick, P.	Lyall, G.
Botfield, B.	Lygon, hon. Gen.
Boyd, J.	Mackenzie, T.
Bramston, T. W.	Mackenzie, W. F.
Broadwood, H.	Masterman, J.
Brooke, Sir A. B.	Mildmay, H. St. J.
Bruce, Lord E.	Milnes, R. M.
Bunbury, T.	Mundy, E. M.
Burrell, Sir C. M.	Nicholl, rt. hon. J.
Cardwell, E.	Northland, Visct.
Chute, W. L. W.	O'Brien, A. S.
Clive, Visct.	Packe, C. W.
Corry, rt. hon. H.	Pakington, J. S.
Cripps, W.	Peel, rt. hon. Sir R.
Darby, G.	Plumtre, J. P.
Douglas, Sir H.	Polhill, F.
Douglas, Sir C. E.	Pollington, Visct.
Duncombe, hon. A.	Pollock, Sir F.
Duncombe, hon. O.	Pringle, A.
East, J. B.	Rashleigh, W.
Eliot, Lord	Richards, R.
Escott, B.	Rose, rt. hon. Sir G.
Estcourt, T. G. B.	Round, J.
Flower, Sir J.	Rushbrooke, Col.
Forman, T. S.	Russell, C.
Fuller, A. E.	Russell, J. D. W.
Gladstone, rt. hn. W. E.	Sanderson, R.
Gladstone, Capt.	Sandon, Visct.
Gordon, hon. Capt.	Scott, hon. F.
Goulburn, rt. hon. H.	Shaw, rt. hon. F.
Graham, rt. hon. Sir J.	Sibthorp, Col.
Greene, T.	Smith, rt. hn. T. B. C.
Grimston, Visct.	Somerset, Lord G.
Hale, R. B.	Stanley, Lord
Hamilton, G. A.	Stewart, J.
Hayes, Sir E.	Stuart, H.
Henley, J. W.	Sutton, hon. H. M.
Herbert, hon. S.	Tennent, J. E.
Hervey, Lord A.	Thompson, Ald.
Hodgson, F.	Thornhill, G.
Hodgson, R.	Trench, Sir F. W.
Hope, hon. C.	Vesey, hon. T.
Hope, G. W.	Vivian, J. E.
Hussey, T.	Wellesley, Lord C.
Jermyn, Earl	Wilbraham, hn. R. B.
Johnstone, H.	Wortley, hon. J. S.
Jones, Capt.	Young, J.
Kemble, H.	
Knatchbull, rt. hn. Sir E.	
Lefroy, A.	

Clause rejected.

Mr. *M. J. O'Connell* observed, that in the former debate upon this subject he had not heard from Members of the Government, or any hon. Gentlemen opposite, any proof as to the necessity of introducing this new provision into the bill, the necessity of marking the arms. On the former occasion the noble Secretary for Ireland, and hon. Gentlemen opposite, had addressed them at some length, but in all that had been uttered by them he had heard nothing to convince him that the "marking" clause was required

TELLERS,  
Fremantle, Sir T.  
Clerk, Sir G.

for the peace or security of Ireland. He had indeed heard from hon. Gentlemen who sat on that (the ministerial) side of the House the admission that the clause would be vexatious in its nature and troublesome in its consequences. The only argument he had heard from gentlemen in support of it was, that as the law existed there was a difficulty in the way of a policeman who met a man carrying arms, in arresting him; because he could not prove that the arms the man had were unregistered. By the present bill they had, however, got rid of that difficulty. By the 14th clause a constable might arrest a person under the circumstances referred to. Leaving out the "marking" clause, they made the law sufficiently stringent. They enabled the policeman to arrest a person having unregistered arms in his possession; and when they had done that they had, in his opinion, done all that could be required. If that were so, why add to their measure a clause that was unnecessary? Why was this branding clause continued? Police officers or stipendiary magistrates had declared it to be their conviction that such a thing was necessary. He had a great respect for the police force in Ireland; he believed that no better nor more efficient body could be found any where; but, saying that, he must add, he should be very sorry to trust to them as Legislators. He warned the noble Lord and the Government against taking the police for their councillors. A great objection was felt to centralization in this country; that objection might be carried too far; but when they found a centralized body, like the police, taking it into their heads to be statisticians, when they undertook to be collectors of information, he believed that neither the country nor the Government could be much benefitted by them. Let the noble Lord look, for instance, to the manner in which the census had proceeded. It had been intrusted to the police; and he believed it was in consequence of their zeal to gather statistical information that the census was not yet published. Some of the police had talked of "a thirst for arms" being dangerous to the peace of Ireland; but he really believed that there was no little danger to its peace in "a thirst for knowledge" in the police themselves. If they went on as they had begun, he did not know but in their eagerness for information they might

go into a man's kitchen and require to know what he had for his dinner, and so make out of that a new statistical point. He objected to the marking clause because even those who suggested it could not conceal from themselves that it created a great deal of dissatisfaction. They talked, indeed, of grand jurors petitioning in favour of this clause. Why, nine-tenths of the grand jurors in Ireland did not comply with the law for registering arms which existed for twenty-seven years. He knew that in the county that he represented not a single magistrate had his arms registered. He believed he was the only magistrate in the county not liable to a penalty for not having done so; because there was an exemption in favour of Members of Parliament. The noble Lord, when they were discussing the other night how long this act should last, did not refer to the marking of arms as a reason why the act should be perpetuated. The noble Lord was quite right; but it was to be remembered that when this bill expired, the brand would remain, and must be a source of trouble and irritation. Why not avoid that? But here it would be said, "concession was exhausted"—here they, like their great American negotiator, had at last come to something which was not to be abandoned. It had been said of the course pursued hitherto by the present Government, that of the measures they had proposed, those that were new were not good, and those that were good were not new; but of this clause it might be most truly affirmed, it was neither new nor good. Could he, however, be induced to believe that peace would be preserved through its means—that the crimes which disgraced his country could be prevented by its operation—he would not oppose it. Under the conviction that it could not have such an effect, he deemed it to be his duty to ask the House to reject this clause. It was a new measure. It was not to be found in any previous enactment, and with reference to it they need no experience from the past. He did not now call their attention to the absurdities to be found in the clause. The time was past for doing that. He said to them let them either strike out this new provision from the bill, or let them give to the people of Ireland something in the shape of a tangible reason for passing it. He moved, as an amendment, that in page 5,



from the word "and" to the end of the clause be struck out.

Lord *Eliot* observed, that it was admitted by all parties that this clause was not one of those provisions which would prove inoperative, or which in its operation was liable to evasion. For his own part, he thought that if they required a registration of arms, they also required some proof that the arms found in any person's possession were arms which had undergone the registration. At present it was impossible to determine this point, and the object of the clause, instead of being to degrade the people, as was asserted on the other side, was merely to enable the authorities to decide whether the other provisions of the act had been properly complied with. The hon. Member said that the police were the originators of the clause, and that the police were not the most proper advisers of the Legislature. He perfectly coincided in that doctrine, but at the same time he would take leave to say that it was not only necessary, but highly advisable, to consult practical men on the subject of any bill submitted to Parliament, and it was as practical men that the magistracy and the police had given almost unanimously their opinion in favour of the clause. He begged also that Members would recollect that this clause only applied to firearms. With respect to other points, the hon. Member had said that no sufficient reasons in support of the clause had been alleged. Reasons, however, sufficiently conclusive had been stated, to induce the majority of the House to pass the clause in committee. The magistrates of Ireland, as high-spirited men as either the noble Lord or the hon. Member for Kerry, did not see that any disgrace would attend its operation; the opinion of the respectable farmers of the country was in favour of it, and the only class who murmured at the provision were those lawless persons who now found it easy to evade the law, but who, if this clause were carried, would hereafter find it difficult to possess any arms which were not properly and duly registered.

Lord *Clements* remarked, that the lawless and desperate persons whom the noble Lord had referred to would in no way be prevented from possessing illegal arms by such a clause as this. Those persons kept their arms concealed in such a way that they could not be got at by any

body of searchers. Their arms were not to be found in their houses—they were concealed in caves or buried in the ground. As for the argument about the prevention of murder by fire-arms, it was perfectly worthless. Why, when Oxford was tried for firing at the Queen, the learned judge who tried him told the jury that it was necessary to have proof, not only of the firing, but of the fact that the pistol was absolutely loaded; and the circumstance of no ball being found, went on that occasion, to the prisoner's advantage. Probably, however, that was not the state of the law in Ireland. If they had had a trial of that sort in Ireland, they would, no doubt, have heard a different story, for the very good reason that in England public opinion had its full weight, whilst in Ireland it had no weight at all. But if they wanted such legal evidence in order to convict a man, where was the use of branding the arms? Would it not be much better to brand the bullets at once, and to have something behind every man who was shot at to catch them after they were fired? He should vote against the clause:

The House divided—that the words proposed to be left out stand part of the bill:—Ayes 74; Noes 37: Majority 37.

#### *List of the AYES.*

Arkwright, G.	Herbert, hon. S.
Attwood, M.	Hervey, Lord A.
Blakemore, R.	Hodgson, F.
Boldero, H. G.	Hodson, R.
Borthwick, P.	Hope, hon. C.
Botfield, B.	Hope, G. W.
Boyd, J.	Hussey, T.
Broadwood, H.	Jermyn, Earl
Brooke, Sir A. B.	Jones, Capt.
Bruce, Lord E.	Kemble, H.
Clayton, R. R.	Knatchbull, rt. hn. Sir E.
Corry, rt. hon. H.	Lefroy, A.
Cripps, W.	Lincoln, Earl of
Duncombe, hon. A.	Lyall, G.
Duncombe, hon. O.	Mackenzie, T.
Eliot, Lord	Mackenzie, W. F.
Escott, B.	Manners, Lord C. S.
Flower, Sir J.	Masterman, J.
Forman, T. S.	Meynell, Capt.
Gaskell, J. Milnes	Nicholl, rt. hon. J.
Gladstone, rt. hn. W. E.	Northland, Visct.
Gordon, hon. Capt.	Peel, rt. hn. Sir R.
Goulburn, rt. hon. H.	Plumptre, J. P.
Graham, rt. hon. Sir J.	Polhill, F.
Greene, T.	Pollington, Visct.
Grimston, Visct.	Pringle, A.
Hamilton, G. A.	Rashleigh, W.
Harcourt, G. G.	Richards, R.
Hardinge, rt. hn. Sir H.	Round, J.
Heuley, J. W.	Rushbrooke, Col.

Scott, hon. F.	Trench, Sir F. W.
Shaw, rt. hon. F.	Vivian, J. E.
Smith, rt. hon. T. B. C.	Wellesley, Lord C.
Somerset, Lord G.	Wortley, hon. J. S.
Stanley, Lord	Young, J.
Stewart, J.	
Sutton, hon. H. M.	TELLERS.
Tennent, J. E.	Freemantle, Sir T.
Tollemache, hn. F. J.	Clerk, Sir G.

*List of the NOES.*

Aglionby, H. A.	O'Ferrall, R. M.
Archbold, R.	Power, J.
Barnard, E. G.	Rice, E. R.
Blake, M. J.	Roche, E. B.
Blewitt, R. J.	Ross, D. R.
Bowring, Dr.	Russell, Lord J.
Brotherton, J.	Stuart, Lord J.
Clements, Visct.	Stuart W. V.
Crawford, W. S.	Thornely, T.
Dundas, Adm.	Tufnell, H.
Ewart, W.	Villiers, hon. C.
Fielden, J.	Wakley, T.
French, F.	Wawn, J. T.
Hall, Sir B.	Williams, W.
Heathcoat, J.	Wood, B.
Hill, Lord M.	Wrightson, W. B.
Hume, J.	Wyse, T.
Napier, Sir C.	TELLERS.
Norreys, Sir D. J.	O'Brien, W. S.
O'Connor Don	O'Connell, M. J.

Verbal amendments made—bill to be read a third time.

POOR RELIEF (IRELAND).] On the motion that the House resolve itself into a committee upon the Poor Relief (Ireland) Bill,

Mr. M. O'Ferrall rose to call the attention of the House to the memorial of the board of guardians of the Edenderry union; the facts contained in which could not be controverted, as they had already been sifted by the Court of Queen's Bench. He trusted that the right hon. Baronet, after considering these statements, would make such an alteration in the measure as should remove the grounds of complaint. He would observe that he believed the fault was not so much that of the bill, as of those who had to carry it into effect. [The hon. Gentleman then stated the case of the Edenderry union, on behalf of the guardians, for which see *ante* p. 1274]. Now, he complained that there was no appeal to any authority by which a board of guardians could be protected from excessive and extravagant demands. The Poor-law commissioners did not in this case enter into any explanation. They treated all appeals of this nature with indifference. He only asked,

that with a view to prevent the recurrence of such cases, a clause should be inserted in the Poor-law Bill, which would give a cheap and summary appeal from the Poor-law commissioners. Among the greatest evils in the administration of the law were the appointments made by these commissioners in Ireland. They were beset by applications from people in England, and situations were thus given to individuals unconnected with Ireland, and ignorant of the customs, &c., of the country. He particularly complained of the appointment of the architect in this case; that gentleman might have been influenced by the best intentions, but he was ignorant of the way in which different kinds of work, &c., were carried on in Ireland. He could assure the House that the frequent instances of mismanagement upon the part of the Poor-law commissioners excited much opposition to the law from the ratepayers; indeed, much of the opposition manifested by them towards it arose from the mismanagement of the commissioners. If no remedy was applied in the case which he had brought forward—if the demand of the commissioners should be allowed—every member of the board of guardians would resign, and he felt sure that not one shilling of the rate necessary for the collection of the 1,250*l.* would be levied; and this too in a district which was always amenable to the law. By persisting in this demand, they would drive the district into the same state of opposition to the Poor-law as that which characterised the west and south of Ireland. He merely wished for a cheap and simple appeal, without the complication of proceedings of *mandamus* and *certiorari*, like the appeal given by the Municipal Act. If they would agree to something of this sort, it would show a disposition to afford a remedy for the grievances so much complained of.

Sir James Graham had had no conception that it was the intention of the hon. Gentleman to bring this question before the House, and he was bound to say, that connected as it was with minute detail respecting the administration of the Poor-law in Ireland, he had been but imperfectly acquainted with it. It was the duty of the commission, before bringing into operation the means of affording parish relief according to law, to cause a large number of workhouses to be built at once. This operation—under a law



entirely novel in the country—under a system, the machinery of which they had no experience in managing—was a most difficult one, and naturally led to some disappointment. From all he could gather, he believed that in the case of the Edenderry workhouse there had been a lavish expenditure of money, and he believed that one portion of the building was ill executed, and another was expensively executed. But having said so much, he was bound to state that he differed from the hon. Gentleman opposite with respect to the course of proceedings taken by the Board of Guardians. The hon. Gentleman founded his complaint upon an alleged infraction of the 30th clause of the Poor-law Act, which clause declared that when a workhouse should have been pronounced by the Poor-law commissioners fit for the reception of paupers, they might make one declaration of the expenditure incurred, and after such declaration being made, they should not have power to raise any further sum, to be expended in the buildings, above 400*l.*, without the consent of a majority of the Board of Guardians. The hon. Gentleman stated, that after the declaration had been made by the commissioners that the workhouse was fitted for the reception of paupers, the commissioners found that the sum originally intended for the erection of the workhouse was deficient by 1,250*l.*, and they, therefore, called upon the union for a rate to levy the amount, a demand which was resisted, as stated by the hon. Gentleman, upon the technical ground that the paupers had been admitted before the balance had been declared; and that this further balance—this balance outstanding, and due, did not form a part of the original outlay—now the hon. Gentleman, in alluding to the 30th clause of the Act, had omitted to state an important exception contained in it, to the primary provision of the clause. The clause enacted that no sum exceeding 400*l.* should be levied after the workhouse had been declared fit for the reception of paupers, without the consent of a majority of the Board of Guardians. There was an exception made, however, in favour of money to be levied for the completion of buildings already in part erected, according to the plans and specifications originally sanctioned by the Poor-law commissioners. The second order had been issued by the Poor-law commissioners under this

exception to which he had alluded. The 1,250*l.* was claimed as an outstanding balance falling under the exception. The question was, whether the Board of Guardians could show that this was an irregular order on the part of the commissioners. If they could show that this balance did not fall within the scope of the exception, then they would be successful in their case—the question was quite an open one. It was a question for a court of law, not for the House to decide; and as he understood that his hon. Friend had stated the case merely for the purpose of introducing a clause to remedy the grievance of which he complained, all he could say was, that if his hon. Friend would bring up a clause to this effect he would be very happy to discuss it. The hon. Gentleman seemed to say that it was not his duty to bring up such a clause. He said, upon the other hand, that he was not prepared to interfere with the jurisdiction of the competent tribunal before which this question might be brought to issue, and satisfactorily determined. The hon. Gentleman asked the Government to provide a cheap and summary mode of appeal to the Court of Queen's Bench. He did not, for his own part, see any course more cheap or more summary than that which was now open to parties who felt themselves aggrieved. If the hon. Gentleman would point out any mode of proceeding more summary and less expensive, he would gladly consider it; but, as at present advised, he contended that if there should be injustice perpetrated towards an union, redress was open to them in the mode he had referred to.

Sir C. Denham Norreys agreed with his hon. Friend in thinking that there should be some mode of calling in question the discretion of the commissioners. It would give great and general satisfaction to the rate-payers to know that there was some cheap appeal open to them from the decisions of the commissioners.

Mr. Smith O'Brien remarked, that the case of Edenderry was not without parallel. The appeal, as at present existing, to the Court of Queen's Bench, was not upon the merits of the question, but as to the legality of the acts of the Poor-law commissioners. Surely, the right hon. Gentleman would not say there was no remedy that could be applied to this evil. He hoped the case brought before the House would induce them to introduce some such

clause into the bill as his hon. Friend had alluded to.

Captain *Jones* thought it his duty to inform the Government, that the case stated by the hon. Member for Kildare was not a solitary one, and that the same complaint was made in many other Unions—the only difference being that in Edenderry the Poor-law commissioners committed a legal blunder in making an order which they had no right to make. In the Derry Union they committed the same blunder, and on sending a person down to inquire, they pared off a few of the charges. So badly was part of the work done in the workhouse of that Union, that when the paupers were in there, he himself saw the rain falling through the roof. This was by no means a solitary case; and he believed, that if every Gentleman were to state what occurred in his own district, he would make a similar complaint to that of the hon. Member for Kildare.

Lord *John Russell* did not exactly know what remedy his hon. Friend would wish to propose to the House, and he thought that, if he could devise one, he should prepare a clause embodying it. At the same time he must say, that with respect to the case which the hon. Gentleman had brought forward, he thought there should be some inquiry made, and some decision come to, particularly as the hon. and gallant Gentleman who had spoken last had stated, that the case of Edenderry was by no means a solitary one. His hon. Friend, in stating that case, had spoken of the appointments of commissioners in putting the Poor-law into operation in Ireland. Now, with regard to that Poor-law in all its main features, and also with regard to these appointments, he was certainly far more responsible than the right hon. Baronet opposite, who was not at all sanguine as to the results of the measure. He was not going to discuss the general question of the Poor-laws in Ireland, but as to the appointments spoken of, he would observe that they were certainly made in the same way as appointments in England—that was to say, it was left to the commissioners to find persons who they thought would be most fit for the duties to be entrusted to them. The Poor-law commissioners were originally appointed by the Prime Minister, and it was thought proper to entrust them with the discretion of select-

ing assistant commissioners. He believed, that in appointing these assistant commissioners, the principal commissioners looked to fitness—to capacity—they looked to vigilance and zeal, as much as did any men who were ever invested with patronage. These were the motives by which, to the best of his belief, they were guided in making their appointments. When such appointments were to be made in Ireland, the commissioners thought that it would not be a successful mode of operation were they to appoint gentlemen who had never seen the Poor-law in operation, and who were unacquainted with the method of managing workhouses, and they thought that persons who had been conversant with the details of the English Poor-law would be more fit to carry the law into operation (with the assistance of those who were Irishmen and knew the country well), than could any Gentleman who up to the time of his appointment was unacquainted with the subject. He was so far responsible for the appointments which had been made, as he had sent over to the commissioners many hundreds of applications which he had received, and which he supposed they duly considered. He knew not how far the gentlemen appointed had performed their duties. Of those of whom he had heard, he heard a very high character. The hon. Member for Roscommon had spoken very highly in praise of one of those gentlemen. With respect to the architect alluded to, admitting that Gentleman's professional talents, he yet, since his appointment, had seen reason to have some doubts as to its expediency.

Sir *J. Graham*: Looking at this subject retrospectively, must say that he had not altogether neglected this subject. He had consulted Mr. Nicholls as to the construction of the workhouses, and also his brother commissioners in England. He had directed Sir E. Head to make a general inquiry on the subject. The outlay was said to be extravagant for the work done, and many imperfections were attributed to buildings, such as not being weather tight, but the noble Lord (Lord *J. Russell*) had admitted with perfect candour, that the architect was not deficient in skill, and that he could alone be censured for having superintended so many works at the same time. Eighty workhouses were erected simultaneously, with the view of bringing the act into operation



as speedily as possible, and though he was bound to say that there was in some instances a larger outlay than was necessary, the result of the best investigation he could give the subject was, that there was no malversation in any quarter. He entirely acquitted Mr. Nicholls, and he also thought the architect free from blame. With respect to the past, then, he did not consider it consistent with his duty to visit any party with punishment. With regard to the future, whether there should be an appeal from the commissioners, and to what tribunal, that was a matter for consideration.

Mr. *Archbold* thought that the commissioners had conducted affairs very unhappily; and he observed, that the bill formed a bad legacy from the last Government; but its management certainly had been rather improved than the reverse by the present Ministry. Still, there were strong grounds of complaint; and he himself could instance a case in which, despite all information and admonition, the commissioners had, neglecting numerous eligible situations for the workhouse, insisted on having it erected actually on a swamp, the only swamp in the country; passing by places where both dry ground and clear springs could have been found,—on the banks, too, of a good river, they pitched on a marshy position where hundreds would have to be spent in draining, and water could be got at with difficulty. Thus it was, that unhealthiness was actually encountered, and expense needlessly entailed. Affairs were rather getting worse than improving, and if the evil was not soon remedied the Government would learn the necessity of strong measures of redress.

House went into committee.

On clause 6, "goods to whomsoever they may belong, found on premises, may be distrained."

Mr. *Collett* moved, that it be struck out.

Mr. *T. B. Smith* said, the object of this clause was to prevent persons from evading payment of the poor-rates, by transferring their property to other members of their families. The clause provided that any property on the premises might be seized for payment of the poor-rates.

Mr. *Wyse* said, that in the case of county or grand jury cess no power was given to seize the property of lodgers;

and he thought there was no reason for giving such power under this act.

Mr. *F. French* supported the amendment. He believed, that if the Government pressed such measures, they would call another Rebecca into existence in Ireland. He was convinced, that under this objectionable law they would be unable to obtain payment of the rates, even with the aid of the 30,000 soldiers now stationed in that country.

Committee divided on the question, that the clause stand part of the bill. Ayes 99; Noes 18;—Majority 81.

Clause agreed to.

8th and 9th clauses agreed to.

The House resumed. Committee to sit again.

House adjourned at one o'clock.

## HOUSE OF LORDS,

*Friday, July 28, 1843.*

MINUTES.] *BILLS. Public.*—2<sup>a</sup>. Cathedral Churches (Wales); Loan Societies Act Continuance; Controverted Elections; Slave Trade Treaties Act Continuance; Bills of Exchange Act Continuance; Stock in Trade Act Continuance; Militia Ballots Suspension; Public Works (Ireland).

3<sup>a</sup>. and passed:—Woollen, etc., Manufactures; Sessions of the Peace.

*Received the Royal Assent.*—Church Endowment; Apprehension of Offenders; Appeals, etc., Privy Council; Marriages (Ireland); Salmon Fisheries; Scientific Societies; Norfolk Island; Schoolmasters Widows' Fund (Scotland).

*Private.*—*Reported.*—Infant Orphan Asylum; Burry Navigation (No. 2).

3<sup>a</sup>. and passed:—Rochdale and Manchester Roads.

*Received the Royal Assent.*—Monkland and Kirkintilloch Railway; Great North of England, Clarence and Hartlepool Junction Railway; Dundee Harbour; Bolton Water Works; Liverpool Watering; Paisley Municipal Affairs; Milne's Free School; Northampton Improvement; Londonderry Bridge; Tay Ferries; Bardney Drainage; Inchbelly (Glasgow) Roads; Sutherland Roads; Walton-on-the-Hill Rectory; Marquess of Abercorn's Estate; Dowager Countess of Waldegrave's Estate; Jackson's Divorce.

PETITION PRESENTED. From a Society at Shepton Mallet, for Establishing a Bishopric at Manchester.

*BILLS OF EXCHANGE.*] Lord *Wharncliffe* moved the second reading of the Bills of Exchange continuance Bill.

Lord *Monteagle* observed that there was no law which more required to be permanent. They now had an experience of six years, which ought to enable them to judge of the propriety of the measure. He had first introduced it, intending it to be permanent, and so he thought it ought now to be made. Whilst it continued the usury laws applied to nothing except securities on real estates, which were thus placed under a disadvantage when the rate of interest was high.

Lord *Wharncliffe* thought they had not sufficient experience to say that this ought to be the permanent law of the country.

The *Lord Chancellor* observed that by passing the bill now they would have two years and a half more to think about it.

Bill read a second time.

SERVIA.] Lord *Beaumont* rose to ask a question of the noble Earl, the Secretary of State for Foreign Affairs, with respect to Servia. Circumstances had there taken place which he feared would be drawn into a precedent by Russia, and would be used in an exceptionable manner. Their Lordships were aware that the Sublime Porte, having been abandoned by the other powers of Europe, was obliged to consent to the terms proposed by Russia, and the late election of Prince *Georgewitch* was declared null and void. The governing vizar was recalled, and another election was to take place, according to the rules and regulations of the constitution of that country. The Porte consented to these terms, not disguising the humiliation it had undergone. *Hamil Pacha* was recalled, and a Circassian sent in his place. The firman of the Porte was read openly at Belgrade. The Servians would not consent to some of the terms; they refused to submit to the provisional government, and they denied that the original election was void or contrary to their wishes: but knowing that the Porte had acted contrary to its own wishes with reference to Prince *Georgewitch*, they consented to the re-election. To any other terms they would not assent. The people refused to allow the minister who was recalled to proceed to Constantinople as had been demanded by Russia of the Porte. The election was appointed for the 17th, and it took place on the 27th, ten days afterwards. That election must have falsified all the expectations of the noble Earl, for Prince *Georgewitch*, a man of 40, although it was thought he was only a boy of 20, again met the people and was unanimously re-elected, and so proved that his former election was not opposed to the desires of the people. Nor were the two ministers dismissed, although the noble Earl had unfortunately described their characters in not the most flattering terms; they proved to have been the faithful and confidential servants of

the prince whom the people elected, who also trusted the servants themselves. At that election, however, circumstances occurred which were contrary to former firmans granted by the Porte. There were present at the General Assembly two Russian commissaries, and their right to be present was not found in any treaty between Russia and the Porte, or in the firmans granted by the Porte to Servia, under none of which had Russia a right to interfere with the internal relations of Servia. After the election the prince had to refer the choice to Constantinople. Servia and the Porte had relations with each other, but there was nowhere a mention of any right for Russia to interfere. The presence of these commissioners, however, led parties to imagine that Russia had a right, and, as a consequence, that she had the same right in Servia as in Moldavia and Wallachia, which were under the joint protection of Russia and the Porte. The question which he had to ask was, whether, in consequence of the recent events in Servia, and the diplomatic relations between the Porte and Russia, the noble Lord now acknowledged or disavowed the exclusive right of the Porte, or allowed that Russia had a right directly to interfere with the internal affairs of Servia, or whether he still maintained that Servia was an integral part of the Ottoman empire, and that Russia had no exclusive right to interfere, and no right except in common with other neutral powers, to give advice?

The Earl of *Aberdeen* replied, it certainly was true that an election had taken place of a prince in Servia, as alleged by the noble Lord, the result of which gave him (the Earl of *Aberdeen*) quite as much satisfaction as it did the noble Lord. Perhaps it would not be wise to examine too curiously the proceedings of that election, unanimous as it appeared to be. They knew enough of popular elections to be aware that it was not very easy to ascertain the precise amount of corruption or of intimidation by which they were brought about. With the result however, he professed that he was as perfectly satisfied as the noble Lord. As to the question itself the noble Lord was quite as well able to answer it himself as he (Lord *Aberdeen*) was. The pretensions of Russia were founded upon treaties which had been laid upon the Table of the House, and the *hatti-sheriffs* of the Porte had



also been communicated to the House. On those the pretensions of Russia rested. How far the claim of Russia, with respect to interference in the internal affairs of Servia, were correct, he could not say: there certainly was a difference in this respect between Servia and the relations with Moldavia and Wallachia, but the extent of her obligations and of her rights in consequence of treaties, it was for Russia to interpret. He apprehended that Russia, like other independent states, would interpret her own engagements, and would not submit to any interference of third parties. England was no party to those treaties, nor was she interested in them, except so far as their execution might affect British interests, or the general state of the tranquillity of Europe. If the Russian interpretation of those treaties should lead to any thing affecting those interests, undoubtedly this country would be called upon to interfere. But if the noble Lord thought that Russia had no more right to interfere than neutral states, the assertion was unfounded, because Russia had treaties, and as we had none, we of course could take no part whatever. It appeared to the noble Lord, because Russian commissaries were present at the election, that therefore, this country was called upon to interfere, but he thought we had matters of much more importance to attend to than any such occurrence. With respect to the question as to the relation between Russia and the Porte, with respect to Servia, whatever they might be, they were entirely different from the relations of the same country with respect to Moldavia and Wallachia.

[LAW REFORMS.] Lord *Campbell* wished to ask a question of his noble and learned Friend on the Woolsack. On the 2nd February, the commissioners authorised by her Majesty, and in her name, gave this intimation:—

“We are commanded by her Majesty to acquaint you, that measures connected with the improvement of the law will be submitted for your consideration.”

He had been waiting with impatience and anxiety to know what those measures might be. No measures, however, connected with the improvement of the law had been submitted to their Lordships till last night, when his noble and learned Friend laid on the Table a bill enabling

the Lord Chancellor to have affidavits in the Court of Chancery, which were sworn in Ireland and in Scotland, taken before commissioners appointed by him, instead as hitherto had been done, by judges and magistrates in Ireland and in Scotland. He should be glad to know whether this were the bill referred to by the Lords' commissioners in their speech in her Majesty's name at the opening of the Session? He confessed that he had rather expected his noble and learned Friend would have submitted a bill, founded on the report of the commission for inquiring into the bankruptcy and insolvency laws, and for consolidating the law and the tribunals by which the law was administered. Such an alteration had been strongly recommended by a commission appointed by the Government. He had likewise thought that some bill would have been introduced for remedying the enormous inconvenience to the country parts of England, relative to the new law for the administration of bankruptcy proceedings, whereby fixed tribunals were placed at such immense distances, that in many places the whole estates were swallowed up, and in some instances the parties had to travel 150 miles. He had expected that such measures would have been introduced with all expedition; but the only bill for the improvement of the law was this bill about affidavits. The question he had to ask was, whether this bill, brought forward at last on the 27th of July, was the “measures” announced by the commissioners in the name of her Majesty, on the 2nd of February. If it were, the bill was introduced rather late, and contrary to the doctrine which his noble and learned Friend used to enforce so strongly, that important measures should be introduced at the early part of the Session. He did not object to the bill, he was glad to see it, and would be glad to see any others in the right direction, but he wished to know whether this was the bill referred to in the commissioners' speech in the name of her Majesty, and if others were to come, when they might expect to have them brought forward?

The Lord Chancellor begged to say, that the bill had been once or twice already before their Lordships' House; and it had not passed only because of some objection in point of form relative to its extension to Scotland. It was not

his own bill; it was the bill of his noble and learned Friend who had preceded him on the Woolsack. The bill was founded upon one already passed with respect to the Court of Queen's Bench. It had never been considered a Government measure, and his noble and learned Friend, by the facetious way in which he put his questions, obviously did not understand that this was meant as one of the measures of law reform. With respect to the Bankruptcy Bill, at which his noble and learned Friend had made a sly hit, the merits of the bill had been discussed by his noble and learned Friend, and the result was, that he had not dreamt of going to a division; he had been so beat and damaged in the discussion, that the motion was withdrawn. There was, however, an important measure pending the House of Commons for improvement of the County courts, and for the trial of small claims, founded on a bill which he (the Lord Chancellor) had introduced last Session, but not going so far, and therefore in his opinion, not so good. Another measure had been also introduced there, recommended by a committee and a commission, after much inquiry, and which was one of the measures of law reform alluded to in her Majesty's speech. He meant the bill for the reform of the ecclesiastical courts. Objections had been made to it. Those objections had been obviated; but it had not made any progress on account of the course taken by parties connected with his noble and learned Friend. He rejoiced that his noble and learned Friend had mentioned the subject, and he hoped there would be an opportunity of discussing the obstructions offered to the course of Government, and the legislative business of the empire.

Lord Campbell had made no objection to the bill already introduced. His noble and learned Friend dexterously knew how, when he had no defence on the question under discussion, to raise another question which it was not meant to discuss. The affidavit bill might be a very good bill, but why had no other law reform been proposed? His noble and learned Friend had referred to what had taken place in the other House of Parliament, but he wanted to know, in the first place, why the bills were not introduced into the House of Lords? Why was not the County Courts Bill brought into the

Lords? He apprehended that they were as capable of discussing the law bills as the other House of Parliament; but, said his noble and learned Friend, "there has been a course of obstruction." Was it from his noble and learned Friend, that he heard complaints of "obstruction?" Had there, however, been any obstruction in their Lordships' House? Had not his noble and learned Friend had the power at any time of bringing the County Courts Bill and the Ecclesiastical Courts Bill into their Lordships' House, where, as his noble and learned Friend well remarked, he had such a commanding majority as to make it quite useless to divide the House? It was hardly possible to expect, with the strength of his noble and learned Friend, that a division should have been demanded on the bankruptcy motion. His noble and learned Friend could, indeed, command such a majority in that House as would enable him to carry any measure he proposed, and if he had brought into their Lordships' House the County Courts Bill, and the Ecclesiastical Courts Bill, he would have carried both. Then, however, his noble and learned Friend said, "There has been obstruction from those with whom you are connected." He gloried in that obstruction, if his noble and learned Friend referred to the discussions which took place on the Irish Arms Bill. He regretted sincerely that he was no longer a Member of the other House, to take a part in those discussions. Did his noble and learned Friend know the merits of the bill, and that it was so badly drawn, that even his own Attorney-General could hardly interpret a single clause? He had a regard for an Attorney-General having an *esprit du corps*, and he was sorry to find any Attorney-General placed in such a position as hardly to be able to construe a single clause of a bill he was obliged to support. The obstruction arose from an imperfect and bad measure being introduced, and it had been obstructed in a constitutional manner. It should be recollected also, that an offer was made to the Government when the bill was first introduced, that if they would be content with the same bill as had been passed in former times, there would not be the smallest opposition to its passage through both Houses of Parliament. No excuse had been offered, nor anything like one, for the remissness of his noble



and learned Friend in not bringing forward measures of law reform in the beginning of the Session.

Lord *Brougham* would not complain that this matter had been brought under discussion, he would rather complain of disappointment at the frustration of hopes encouraged by the terms of the speech from the Throne. The bright prospect had been clouded over only within the last three or four days; the cup of legal reform had been suddenly dashed from his lips just as it was approaching them, and the question was why, how, and by whom? He agreed that those measures might have been introduced here, but that would have made no material difference in the passing of them; he had formerly made a similar objection, and the effect had been, that the law reform bills of last Session, seven in number, had been first introduced into the House of Lords, where they met with no opposition, and were sent down to the Commons, where they were allowed to fall to the bottom of the well, and were not fished up again until near the end of the Session. The consequence was, only two or three were passed, and the others were abandoned on account of the state of public business. Thus the course recommended by his noble and learned Friend had been tried and had failed. Nevertheless, the Ecclesiastical Courts Bill and other bills had been brought in early in the present Session, but in consequence of the opposition to other measures, it had been impossible to proceed with them. The Ecclesiastical Courts Bill, the Poor-law Bill, and the Factory Bill had therefore not been passed, and, looking at the state of public business, he for one, had but little hope that the County Courts Bill would become law this year. He looked at the votes of the other House, and he saw that thirteen, sixteen, and eighteen divisions had taken place in one night upon matters of comparatively little importance; and some of these were not upon the novel parts of the Irish Arms Bill of this Session, but upon old clauses, such as were in the bill when it was supported by his noble and learned Friend, when he was Attorney-general. He had heard it said in the streets that one individual who had taken a leading and merciless part against the Irish Arms Bill—merciless not so much towards the measure, as towards those

who were compelled to attend its no-progress night after night—had said that he would resist not only every clause, but every line, word, and letter of the bill. He had carried his threat of opposition into effect, and his noble and learned Friend (Lord Campbell) had said that he gloried in this opposition; on the contrary, he deeply deplored it, because the consequence had been the loss of three or four measures of most valuable legal reform, such reform as had not been seen within the walls of Parliament for many years. He had been told by a noble Friend that the new parts of the Irish Arms Bill were most important improvements upon the old law; that the additions were better than all the rest of the bill, which, without them, would be inoperative. Such might be the fact; he should be able to see whether it were so, when the measure came from the Commons, and in the mean time he would only say, that his objection to it was, that it was restricted to Ireland. It ought to have been extended over the whole empire for he did not see how any part of the kingdom could have a right to complain if such a law were passed.

Lord *Campbell* adverted to the zeal with which his noble and learned Friend had rushed forward in defence of the Lord Chancellor. The fellow feeling between them on these subjects was remarkable. It was just as if the Woolsack were divided between them—or at least as if his noble and learned Friend wished to divide it. Ere long, perhaps, a joint commission would be made out for them both, and the House would then have the advantage of two Lords Chancellor.

The Duke of *Wellington* rose to order. There was no motion before the House.

Lord *Campbell* would remedy this defect by concluding with a motion.

The Duke of *Wellington* doubted whether that would remedy the irregularity. The discussion had begun by asking a question, which had been answered. The noble and learned Lord had given no notice of motion, and the whole seemed to him irregular.

Lord *Campbell* said, that when he thought the whole matter at an end, up started his noble and learned Friend to the rescue of the Lord Chancellor. [Lord *Brougham*: You spoke a second time.] The noble and learned Lord on the Woolsack had not gained much by the defence

set up by his double, inasmuch as he had forgotten the facts and circumstances of the last Session. The Ecclesiastical Courts Bill, for instance, had not been introduced into the House of Lords at all, it had only been laid upon the Table of the House of Commons. In the same way he had been mistaken as to other measures, for the Bankruptcy and Lunacy Bills had not been passed by their Lordships until quite at the close of the Session. If the measures of legal reform had been first brought forward in this House, and sent down to the Commons before Easter, the cup would not have been so cruelly dashed from the lips of his noble and learned Friend. With regard to the Irish Arms Bill, the new clauses might make some of the old ones objectionable; the provisions for branding arms and for domiciliary visits might make clauses, otherwise innocent and harmless, most oppressive and injurious. He moved that the House do adjourn.

The motion was not put and the subject dropped.

Adjourned.

## HOUSE OF COMMONS,

Friday, July 28, 1843.

MINUTES.] NEW MEMBER SWORN. John Bright, Esq., for Durham City.

BILLS. *Public.*—1<sup>o</sup>. Slave Trade Suppression; Heritable Securities; Slave Trade (Austria); Slave Trade (Chile); Slave Trade (Mexican Republic); Slave Trade (Portugal); Turnpike Acts Continuance; Highway Rates; Bishops Relief (Ireland).

*Committed.*—Ecclesiastical Jurisdictions; West India Islands Relief; Excise.

*Reported.*—Stamps; Coalwhippers; Drainage of Lands. 3<sup>o</sup>. and passed:—Coroners.

*Private.*—*Reported.*—Oxnam's Estate (No. 2); Anderson Improvement and Police; Bernondsey, Rotherhithe, and Deptford Roads.

3<sup>o</sup>. and passed:—Earl of Gainsborough's Estate; M'Culloh's (or Roupell's) Estate.

PETITIONS PRESENTED. By Mr. G. W. Wood, from Lord Oranmore, for the sale of all Church Property (Ireland).—By Lord Courtney, from Limerick, in favour of the Irish Arms Bill.—By Mr. Masterman, from the Clockmakers Company, against certain Clauses in the Customs Act; and by Mr. T. Duncombe, from the Committee of the Watch and Clockmakers to the same effect.—By Mr. Wawn, from the London Shipowners, against the Coal-Whippers Bill.—By Mr. Corry, from Tyrone, against the Repeal Agitation.—From Glasgow, against the Glasgow Police.—From Kidderminster, in favour of the County Courts Bill.—From Maync, against any Grant for Educational Purposes in Ireland.

STATE OF THE NATION.] The *Chancellor of the Exchequer* moved, that the House do resolve itself into a Committee of Supply.

Lord John Russell addressed the House to the following effect. I take this opportunity of bringing before the notice of the

House the general state of this country. In so doing; I am acting according to the constitutional method adopted in former times, of considering, before the House resolves itself into a committee of supply, anything which in the state of the country may require an explanation from those Ministers who call on us to grant money for certain purposes which they think necessary for the public service. I may be asked, as it has been asked in other cases, why, if I desire to bring forward the present state of the country, I do not make an explicit motion on the subject?—why I do not make a motion inculcating the Ministers of the Crown?—why I do not make a motion for a review of their conduct? I believe I should be wasting the time of the House, after the decisions to which they have come, if I asked them to enter upon a regular debate and come to a decision upon a matter upon which, for the present, at least, they seem to have determined—I mean with respect to the confidence which they are prepared to give to the Government. Early in this Session of Parliament my noble Friend, the Member for Sunderland (Viscount Howick), called the attention of this House to the state of distress existing in this country—a state of distress which was admitted in the Speech from the Throne, and he asked the House to go into committee to consider that distress. The substance of the reply given was, “If you go into committee to consider the state of distress of the country, you imply a want of confidence in the Ministers of the Crown, and the Ministers of the Crown will be, therefore, obliged to quit her Majesty's service.” On a late occasion, my hon. Friend the Member for Limerick (Mr. W. S. O'Brien) made a motion equally, with that of my noble Friend, devoid of any party statements or party allusions, and he asked you to go into committee to consider the state of Ireland, with a view to the redress of its existing grievances. The answer was of a similar nature—that if this House should resolve to go into committee they would thereby make it necessary for the Ministers of the Crown to resign their offices, and that, therefore, the House ought not to go into committee on the state of Ireland. Such having been the decision of the House on these two separate occasions, I certainly will not, by any formal motion, call upon the House



to come to any regular decision upon this point; but for myself, undoubtedly, feeling the state of the country in many respects to be very perilous—feeling that advantages have been foregone which might have been taken, and that even now there is an opportunity, a very great opportunity, of doing essential service to the country, if the Ministers of the Crown are prepared to take that line which I think their duty demands. I cannot refrain from taking this opportunity, perhaps, the last occasion of asking for a committee of supply for stating my views on the subject. I am, as I have already intimated, about to state matters which deeply concern the welfare of this country. I am not going to do that which has been done on former occasions by others—which has been done by the present Lord Chancellor, whose speeches were published in a cheap form and circulated throughout the country under a former administration. I am not going, point by point, through the various legislative measures which have been brought under the consideration of this House, nor shall I trace them through their various stages, step by step until they were withdrawn, altered, or abandoned. That, indeed, would be a very easy task. The triumph would not be difficult, for with respect to legislation, the Government with greater means at their command, have not been more successful than their predecessors. It might be asked, what has been the effect of the great majority in this House, and of the overwhelming majority in the other House, of which the present Ministry have the command, and whose confidence they enjoy? We may ask what has been the result of that happy state of things, when the right hon. Gentleman told his constituents at Dorchester, that the Government possessed the confidence of the Crown, the confidence of the majority of the Commons, and of the majority of the Lords, and which was to be touched as an attuned instrument by the skilful hand of the right hon. Baronet at the head of the Government? If this constitutional instrument in the hand of the right hon. Baronet is in such harmony, what is the character of the music it plays? What are the tunes with which our ears have been delighted in this happy state of musical concord? I think, I may say, it has not been “Rule Britannia;” and the agricultural gentlemen will hardly say,

that it is the “Roast beef of old England.” The Irish Members will not agree, that it is “St. Patrick’s day in the morning;” and I am not sure that it has always been “God save the Queen.” The only tune, which seems to me to have emanated from such an instrument, is that which we occasionally hear from the glee singers at dinners, “We’re all noddin.” Such is the result of the admirable harmony of this well-attuned instrument which the right hon. Gentleman gave out was to produce such advantages to the country, and from which tunes of such extraordinary melody were to be derived in the course of the right hon. Gentleman’s administration. But I am not going to follow the course of the measures which the Government brought forward. I am content to say that they cannot allege that they have had to encounter anything like factious opposition [*Cheers*]. Gentlemen cheer!—Why many of their most important measures met with hardly any opposition. Was there any opposition manifested to the education scheme of the Government similar to that which the plan of the late Government had to encounter? I may also ask whether any strong opposition has been manifested to the Ecclesiastical Courts Bill, or other measures which they have brought forward, so as to lead to their abandonment? With respect, indeed, to one of their measures, which was much opposed in its progress through this House, I mean the Canada Corn Bill; the opposition to it was chiefly manifested by those who are the habitual supporters of the present Government. But I come to that which it is more important for us to consider, namely, what is the general state of the country, and in what state we shall leave it after the Legislature has been deliberating for six months on matters which we were told at the early part of the Session were of the utmost importance to the nation. There is but one question touching in any way upon our foreign relations to which I shall advert, the war made against the Ameers of Scinde. The Government proposed to produce the papers relative to that subject, but it has not yet laid them on the Table; and if they are not produced till such a late period of the Session, I do not see how the House of Commons can come to any determination as to the policy or justice of this war with Scinde. But there is a singularity on the part of

the Government with respect to it. The general impression is, that the Governor-general of India made repeated demands on the Ameers of Scinde; and after those demands had been complied with, the British army had received orders to advance; then the Ameers of Scinde, in a state of desperation, seeing that no compliance made by them could induce the Governor-general to halt his army, ordered Major Outram to withdraw from the territory. This may or may not be a correct account; but I ask the right hon. Gentleman whether the Government intends to state its views and the result of its judgment on that war. When the right hon. Gentleman was asked to produce the papers on this subject, he said it was not consistent with the public interest, or with his duty, to furnish a copy of the instructions which had been given on this subject, as they had reference to several contingencies which might occur. I can understand this with regard to the future. With regard to what is to be done by the Governor-general, no doubt on the receipt of despatches from the Government at home he would receive directions as to his future conduct, and reserve, therefore, so far would be necessary; but with regard to an important proceeding of this kind, already undertaken and carried out by the individual who represents the Sovereign, it appears to be only in conformity with the usual and constant proceeding, and to be only reasonable, to call upon the Government to declare as to whether or not it justifies his conduct. With respect to papers to which the right hon. Gentleman referred on a former occasion, and which he seemed to consider as justifying him in the course which he has taken, I will only say that, with regard to the war in Afghanistan and China, we did not hesitate in both cases to say that we were prepared to defend the conduct of the Governor-general of India, and the Government at home, and to the instructions given as to the proceedings in those countries. The Government must have entered into communications with Lord Ellenborough from the commencement of the war in Scinde, and her Majesty's Ministers must have expressed their opinion as to the line of policy that had been taken; and it appears to me that there is a wide distinction between any particular instructions to be acted upon when received, and a declaration from the

Ministers as to whether or not they approve of a war already undertaken. Is the Government prepared to say that the war was not undertaken till every means of negotiation was exhausted, and that they had not recourse to force till it appeared that all conciliatory measures were fruitless? Are they prepared to say, that Lord Ellenborough found the Ameers intriguing against him, and that they had attacked the English Government, and that therefore he was justified in opposing force to force? If not, the attack on Scinde is wanton aggression, and contrary to the declaration of Lord Ellenborough himself, who, in his proclamation, protested against enlarging the boundaries of British India; above all, of making any conquest for the sake of territory beyond the Indus, can any person think that if Lord Ellenborough, for the sake of conquest and the obtaining possession of additional territory, have committed wrong and injustice against the Ameers of Scinde, that the matter has not been considered by the Government, and that it is prepared either to justify or repudiate his conduct, and to state what are its views on this subject. This is very different from stating what course the Governor-general had received instructions to pursue; for if the war is unjust which has been undertaken, and in regard to the princes having been made prisoners, the very means of settling matters right might depend upon contingencies which were referred to in those instructions. I, therefore, do not say that the Government should produce the orders which have been sent out to India. With regard, however, to the Government refusing to say whether that war is justifiable or unjustifiable, I confess I cannot understand the propriety of such a course. I have said this, reserving entirely my own opinion on this case, neither giving entire credence to the rumours I have heard, nor being prepared with respect to those distant operations, and with respect to a people so unsettled and irregular in their political conduct, to condemn at once the conduct of the Governor-general; or on the other hand, because we have made an accession of territory, to say at once, be it right or wrong, "I rejoice in that accession of territory, and the distinguished feats of the British army; for whatever be the cause in which they have been engaged, the result must be highly honourable." I reserve my opi-



nion entirely on this case; but I think that the Government, who have received, I have no doubt, from the Governor-general of India all the papers and the most ample explanations on the subject, and also that they have obtained the fullest information from the chief person concerned, for they have had the opportunity of examining him—I mean Major Outram—and who have, after this, been induced not to communicate to the House of Commons what their opinion is as to the origin of this war, is to me inconceivable; and this, be it remembered, at a time when they call upon the House of Commons to vote money for the service of the Crown. During last year we were told many of the difficulties which had arisen with regard to the state of the finances in India was owing to the expenses which had accrued in consequence of the war which had obtained. But this year we have the expense of the army of reserve, and the costly charge of the marching and maintaining an army in Scinde, where we are carrying on a war with a people who may meet us again and again after defeat, and who will resort to any resource in order to combat the troops that may be sent against them—this year, with respect to all these expenses, because the proceedings are carried on by Lord Ellenborough instead of Lord Auckland, we are not to have a single word of information. But seeing there must be great expenses, and taking into consideration the principle which the right hon. Gentleman laid down, that we should not confine ourselves merely to matters of English finance, but take Indian finance into consideration likewise, it is most extraordinary that we are now called on to go into committee and vote the last supplies of the year, without the Government telling us whether we are engaged in a just or unjust war—whether we are likely to have a continuance of the expense of sending troops to India—or whether, in their opinion, we have accomplished all that is necessary. I have said I should not touch on any foreign question, except that which relates to the affairs of Scinde. I will now then turn to that, which is a most important question, and to which my noble Friend the Member for Sunderland referred in the commencement of the Session, and to whom the answer was given that the discussion of the matter was then premature, and that we should wait and see what the

measures of the Government were. I will now refer to an official statement as to what has been the falling-off in our trade during the last few years. I find that the declared value of our exports in the year 1841 was 44,609,358*l.*; in 1842 it was 40,738,151*l.*, showing a decrease between those years of 3,871,207*l.* There have lately been laid before the House, on the motion of my two hon. Friends the Members for Paisley and Wolverhampton, papers to which I shall refer. They relate chiefly to our trade with the United States and the Brazils, and go over a period of 10 years. I have taken, with respect to some of our manufactured articles, the average of five of those years before the last, and compared them with that year. I leave out the year 1836, which was a year of extraordinary export to the United States. I think the exports to the United States in that year exceeded 12,000,000*l.* I first take cotton and yarn manufactures, and I find the average exports of the five years was in value 1,361,694*l.*, while the exports in 1842 amounted to no more than 487,276*l.* Of linen yarn the average export of the five years was 1,015,038*l.* In the year 1842 it was 463,645*l.* Of silks the average export of the five years was 289,838*l.* In 1842 it was 81,240*l.* With regard to woollen articles the average export of the five years was 1,353,002*l.* In the year 1842 it was 842,355*l.* The total of the exports, not of those articles already named alone, but comprising some others, was 6,700,370*l.*, while in 1842 it was 3,528,807*l.*, being a decrease of 3,171,563*l.* [Sir R. Peel.—To what countries do those exports refer.]—They relate to the United States only. I shall now take those to the Brazils, of which I take the total without going to separate items, and I find that the average amount of the five years was 2,462,761*l.*, while in the year 1842 it was 1,756,805*l.*, being a decrease of 695,956*l.*, and adding this to the decrease in the exports to the United States, it shows a total decrease in the exports to the two countries of 3,867,819*l.* This, Sir, is an alarming decrease upon the five years, but it is instructive, as well as alarming, if we look to the countries in which our trade has thus fallen off. It shows you that your own plans of putting a high duty on foreign corn with a sliding-scale, raising that duty at the present time to 40 per cent., and a duty on Brazilian sugar amounting to almost a prohibition,

are now returned to you by the United States in a high tariff, and by the Brazils in preparations for excluding your produce altogether. Look now to the decrease in your exports to only two of the countries with which you were dealing, to the amount of 3,800,000*l.*, in consequence of your almost utter prohibition of their products. This presents a most serious and alarming aspect of affairs; and, let me ask, what have you done in your legislation of the last six months to promote the well-doing and the export of those manufactures upon the prosperity of which depend your prosperity in peace, and your strength in war? Have you passed any measures which could promote the export of your manufactures to the United States? Have you done anything to increase your exports to, and improve your import trade from the Brazils? Of any measures of this kind the Session has been barren, indeed, I may say, worse than barren. Last year the Government proposed a measure with respect to the importation of corn and kine, which had the effect of inducing a large portion of the agriculturists to believe that it was your object to continue the system of protection to the producer. In that expectation they were disappointed. They got a wrong impression from your speeches, though these were often and often delivered; yet it happened somehow or other—your caution was such, that they knew not what you really intended to do—for some of your acts were on the principles of free-trade, and in others you departed from those principles. But you carried some of your measures by the consistency of your opponents, and the inconsistency of your supporters. But having thus proclaimed your principles—having applied them to many articles with respect to which high duties formerly existed—you mainly fail in your plan, unless you are ready to carry them out further, and apply them to the important articles of corn and sugar. Having given that warning last year by declaring your principles, it should have been your object during the present Session to endeavour to relieve the trade and manufactures of the country by admitting many of the articles the produce of the United States and the Brazils free of all, or at least of any high duty. I am aware, and I think it a most fortunate circumstance, that there exists a large tract of country in the United States,

most fertile in the production of wheat, which to the growing population of this country might be made a great blessing if we took a fair advantage of it; and the distance of the place of its growth is so great, and the cost of transit so high, that even with the very lowest duty, I am sure its introduction here could not compete with the British corn-grower, or in any way injure his interests. The climate of the United States of America varies so much in several parts from this country and from many other parts of Europe, that it seems a bounty of Providence that when your harvests are short in those places, there are countries beyond the Atlantic which can supply your deficiency. Have you done any thing to render these circumstances so advantageous to the people of this country as they might be made? Nothing of the sort. But there was another course which, though less beneficial, you might have adopted. You might have said to both parties that you had gone a considerable way in relaxing restrictions on foreign produce, and that you were disposed to rest during the present year, in order to give the agricultural interest time to consider if there were any fair grounds for those apprehensions which they entertained if corn were to be placed on the same footing as other articles. This was the time to pause and endeavour to meet the enlightened views which the agriculturists were beginning to take upon this subject; but, instead of doing so, what was the course which the Government had pursued? They brought in the Canadian Corn Bill, a measure in itself of little or no benefit to this country as the corn will have to come by a circuitous, a difficult, and an expensive route, rendering but a trifling, if any, advantage, whilst the measure excited the utmost alarm amongst the whole body of the agriculturists, reviving in full force, their prejudices against the principles of free-trade—principles which the hon. Gentleman opposite last year appeared so anxious to advance. This is to be considered a very serious misfortune; but still there is room for the settlement of the great question. Men of eminence in the United States, leading men, by whose opinion the people of that country are influenced, seem inclined to concede the principles of their high protecting tariff of the present and former times, and express themselves ready to abandon it, if we will but af-



ford them a market in Great Britain for their agricultural produce. Sir, it seems to me impossible to conceive anything which would be more advantageous to both countries. We have here in this country a large population, who are obliged to import food for consumption. We have also a power to manufacture to such an extent, that hon. Gentlemen opposite frequently complain of the skill, ability, and productiveness with which it is set in motion. In the United States they have large tracts of land, capable of nearly all sorts of cultivation. They have also manufactories for a coarser sort of goods, which may go on flourishing without any injury to us, and may be imported by this country at a low rate of duty. There are, therefore, between the two countries, the mutual advantages that we might import their agricultural produce to a large amount, without any dangerous competition, owing to the distance from which it has to be brought, and that they might import our manufactures, without any danger to the consumption of their coarser fabrics. They are the two countries, which, of all others, one would suppose ought to be particularly bent on such an interchange, and, who would regard as an enemy, the man who attempted to deprive one of the food, and the other of the manufactures, of which each had such abundance to exchange. Instead of viewing it, however, in this light, one of the cardinal principles of the present Government, is the sliding-scale, which fixes a prohibitory duty upon corn except in certain contingencies, and in those contingencies offering a bounty upon the produce of other countries rather than approach to a course which is so well calculated to prove of the greatest advantage to great Britain and the United States, and to promote cordiality and good-will between two great nations, sprung from one common stock, and speaking one common language. Has not the state of trade materially affected the finances of the country? When we discussed the subject in 1841 we were of opinion, that there would be a deficiency in the revenue which, though it would be of considerable importance, we conceived to be of less consequence than the decline in our trade. We pointed out, as the means of obviating this deficiency the adoption of the principles of free-trade. That was the

scheme which we, who were then called miserable financiers, recommended at the time. We did not propose fresh burthens on the people, but to give a new impulse to the industry of the country and to increase its consumption, whilst at the same time we looked forward to the chance of considerable retrenchment when the hostilities in China were brought to a conclusion. From this policy the present Government differed. They repudiated our plan with respect to corn and sugar, though in the article of timber they did something and yet even in that it is doubtful whether the course they pursued were wise or beneficial in proportion to the change. [*Cheers.*] The right hon. Gentleman cheers. If he had a million or so to spare, he might have given up 600,000*l.*; but, under the present circumstances of the country, it was so much loss. I shall now refer to the statements of Lord Monteagle and the right hon. Gentleman the Chancellor of the Exchequer. It was stated by Lord Monteagle, that in three years, ending in 1842, the gross amount of falling-off in the Customs was 874,000*l.* The amount of revenue from the Excise was, in 1840, 14,785,000*l.*; in 1841, 13,328,000*l.*; and in 1842, 12,517,000*l.*; showing, between 1842 and 1840, a decrease on the branch of the revenue of 2,268,000*l.* I will now show what was the decrease in the Customs and Excise of 1840, 1841, and 1842. In 1840, the amount of Customs and Excise together, was 37,644,000*l.*; in 1841, it was 36,674,000*l.*; and in 1842, it was only 34,115,000*l.*; exhibiting a decrease between 1842 and 1841 of 2,559,000*l.*; and between 1840 and 1842, a decrease of 3,529,000*l.* I think such a statement as that, shows in the clearest light, the sufferings under which the country labours; and the House ought to endeavour to introduce some measure to resuscitate the decaying trade of the country. The right hon. Baronet at the head of the Government, when introducing the measure of his new tariff, was very eloquent upon principles of free-trade, but whilst descanting on those principles, he introduced the tariff in conjunction with the Income-tax, from which he calculated 2,700,000*l.* a year, and in doing so, the right hon. Gentleman calculated upon a surplus of 500,000*l.* The Chancellor of the Exchequer, however, in stating the result of his financial measures, instead of showing that there was a surplus of half a million,

proved that there was a deficiency of 2,400,000*l*. That is the result of the operation of the system adopted and pursued by the right hon. Baronet. [The *Chancellor of the Exchequer*: Not the result.] The right hon. Gentleman says, it is not the result of the operation of that system. I consider that it is. But the right hon. Gentleman does not deny that instead of the estimated surplus, there is a deficiency of 2,400,000*l*. If the right hon. Gentleman says, that this deficiency is the consequence of decreased consumption, I quite agree with him; but I must at the same time ask why, in the year 1841, did you refuse to look at the corn duties and sugar duties in order to ascertain whether the deficiencies could be made up from these sources? The House must bear in mind that these are the results of the Administration of Ministers who have been always blaming us on the ground of deficiency, and were ready at all times to throw upon our shoulders censure upon that score. In his statement respecting the future year, the right hon. Chancellor of the Exchequer, who is usually very plain and clear in his statement, found it so difficult to proceed, that he was obliged to have recourse to an evasion. The deficiency for this year, according to the right hon. Gentleman's own estimate, appears to be 1,300,000*l*. Why did not the right hon. Gentleman openly say so? Instead of doing that, the right hon. Gentleman said—"There are 2,000,000*l*. which I put aside, and for which I shall otherwise provide." I suppose the right hon. Gentleman intended to make provision by incurring fresh debts, as he has not stated any other mode by which he proposes to make the provision. The difference between the late and the present Chancellor of the Exchequer is this,—my right hon. Friend the Member for Portsmouth came forward and said, he had a deficiency, and at the same time stated the precise amount, without any recourse to stratagem. The right hon. Gentleman opposite has been obliged to resort to stratagem; but, not being used to it, he could not deceive anybody, when with a deficiency of 1,200,000*l*. he represented himself as having a surplus of 700,000*l*. Why, then, such being the financial state of the country, what, I must ask, what means can you resort to? or why not attempt some measure to diminish the deficiency? One course

which you might pursue, and which I have already pointed out, is that of increasing the revenue by carrying out your own principles of free-trade, thereby making an increase in the revenue, so as to meet the expenditure by making use of your resources. It is said, "*Magnum vectigal parsimonia*;" but I say, "*Magnum vectigal sapientia*." If you had only acted on those principles of free-trade so ably explained by the right hon. Gentleman the President of the Board of Trade, you might have done something to make up the deficiency; but, notwithstanding your own incomparable skill in financing, and though you call us miserable financiers, you have not been able to surmount the difficulties by which you are beset. There was another course to which I thought Government might have resorted to free them from their present difficulties; I mean, that when the hostilities with China ceased, and when we were in a state of peace, Government would have affected some diminution in our naval and military establishments. Can they do that now? Can they say, that all is quiet now—that there is peace now? Could even the hon. Member for Montrose, with all his zeal for economy, say, that in the present aspect of affairs any great reduction could be effected in our naval or military establishment? He certainly cannot, and the reason is, that Ministers have not adopted the means of producing peace or satisfaction at home, because they have not given effect to that policy which would bind the people in the bonds of duty and render military force unnecessary. Before going further into the main question, I must call the attention of the House to the state of a country which has hitherto been remarkable for peace and industry—I mean Wales. On the state in which Wales now is we have had no explanation, nor have we been told how it is that matters have been allowed to get to such a head there as we now find them. We have no reason assigned for that state of things, nor have we any remedy proposed to correct it, except the sending of dragoons, who, it appears, cannot come up with the offenders. How is it, that a people so generally quiet, orderly, and obedient, have been brought to such a state as they now exhibit? and why is it that we have no other remedy proposed than the sending of dragoons into Wales? The main question to which the attention



of Parliament must be directed, and it will be so directed when the question of the hon. Member for Sheffield comes under discussion, is that relating to the state of Ireland. At all events, if left in its present state, it must be the very first subject to be taken into consideration at the commencement of the ensuing Session. The greater part of the population advocate Repeal of the Union; speeches of the most exciting character are addressed to them—speeches not merely insisting upon the advantages which would accrue to the country in being legislated for by persons more conversant with the wants and habits of the people than those who sit in this House, but provoking the strongest national animosities, not alone as against the Government, but as against the entire people of England. When we handed the Government over to you that country was tranquil, and when we told you that the only measure you adopted towards it on coming to the Government was to diminish the magistracy, your answer was, that Mr. O'Connell spoke in harsher terms of Lord Fortescue than he did of Sir Edward Sugden. This is the only point upon which, at your side of the House, Mr. O'Connell is quoted as an authority. Now if I were to quote him as speaking of the Duke of Wellington or Sir Robert Peel, I certainly should not quote him as a sound authority, nor could I do it with the due respect which I entertain for them. I am rather ashamed of the language than inclined to quote it, and yet as regards Lord Fortescue, this is the whole of your case, and this is the authority upon which you rely. If Mr. O'Connell prefers your government of Ireland to ours—if, as he boasts, whilst you are in office his power is increased, and the patriotism of the people more strongly excited, we can not wonder at the preference. When we find that the rent has risen from 900*l.* to 15,000*l.* within two given periods of three months—when Mr. O'Connell is able to show a better budget than the Chancellor of the Exchequer—when his power throughout Ireland is increasing to an extent far beyond what he possessed under a Whig Administration, it is by no means extraordinary that he is rejoiced to have to deal with such an Administration as the present. When I had a share in the Administration I thought it well that the Government should have the support of a man who possessed so much influence amongst his countrymen.

I did not think it advisable that any man in the country should possess more authority than the Lord-lieutenant, who stood there as the representative of the Queen. Hon. Gentlemen opposite, when we were in office, were constantly talking of the influence of Mr. O'Connell in Ireland. I thought at the time that he would have less influence whilst we held the Government than under a Tory Government, and the events which have since taken place sufficiently prove the soundness of that opinion. Lord Fortescue and Lord Morpeth exhibited a sympathy with the people; they went amongst them, and the latter began to recant their opinions on Repeal. During the late Administration the Irish Executive possessed great power over public opinion. The power of Mr. O'Connell was less dangerous, and even if he were inclined at that time to excite the people, he could not have exercised the uncontrolled dominion over their hearts which he now appears to possess. It is now admitted on all hands that the power of Mr. O'Connell in Ireland is increasing. Compare the different positions of your Executive in Ireland with ours. Your Executive in that country sits inactive and inefficient. It is assailed on both sides. On one side it is taunted with a want of vigour, and on the other it is blamed because it will not make concessions. It is unresistingly carried away by wind and wave, and exhibits no authority. Can I believe that there is no remedy for the state of things in Ireland? I see no reason why a Parliament sitting in London cannot as well provide measures to obviate the grievances of that country as any legislative body sitting in Collegegreen. I cannot see why this Parliament should not be able to enter fairly into the consideration, and provide for the settlement of all the grievances of Ireland. After the debate which has lately taken place on this subject, and as the question will come on again next week, I shall not enter into the topic of Irish grievances, but content myself with calling your attention to the present state of that country, and ask what are likely to be the results? We see vast meetings congregated together. When I look at these meetings I cannot make up my mind to say that they are not illegal. After the opinion given by the judges as to the meeting at Manchester, at which Mr. Hunt presided, I cannot come to the conclusion that the

meetings in Ireland, at which such inflammatory language and such menaces are used, are not illegal. It is difficult, however, to say what course ought to be pursued. If an attempt were made to bring any of the parties to justice and to procure a conviction, who, in the present state of Ireland, would not entertain a doubt whether the Government would succeed? and it would therefore, be unwise to make the attempt considering all the difficulties. What is the state of Ireland? It is a state in which the peaceful pursuits of those who are not disposed to take part in political contentions are daily disturbed, in which capital is withheld, and in which there is, not a fear of immediate outrage—not a fear, as the Lord Chancellor said, of an inevitable tendency to outrage in the meetings themselves—but a fear that a disturbance of the peace may one day or other follow from a repetition of these meetings. Then these meetings are to go on; and the mere dismissal of magistrates only serves to excite, disturb, and provoke. Is this satisfactory? Under these circumstances there are two consequences, of which the House ought not to lose sight. One is such as happened before in Ireland when, after political excitement and meetings, those who attended the meetings began some local resistance to the payment of some legal dues, and thereby disturbed the peace of the country, creating a necessity for the intervention of the police and military force, which again tended to increase outrage and crime; and this state of things spreading over a large portion of the country, produced a kind of anarchy in parts of Ireland. There is another consequence, and it is that with which Mr. O'Connell has threatened the Government and Parliament of this country, namely, that he will summon a convention in Dublin, which shall escape the penalties of the Convention Act—which shall curiously and cautiously evade the law, but which, sitting in Dublin, shall exercise the power of representing the people of Ireland. Is the Government prepared for such a case? If, as is very likely, Mr. O'Connell does succeed, with his acuteness and ability, in evading the letter of the law, will you allow this convention to go on, and the whole power of the Government to be wrested from the Lord-Lieutenant, sitting helpless in the Castle at Dublin? Are you prepared to allow the Government to

be taken from you, and to see in any emergency suddenly start up, beyond the regular order of things, the name and title, as well as the authority and power of Government? Are you prepared for this contingency or for the other? Are you prepared to introduce into this House, in such a case, simply measures of coercion and repression, refusing all redress of grievances? I point out this danger, because I think it very great, and almost imminent, and I should not do my duty in this House as a Member of the Legislature, if I did not point it out, before it comes on suddenly, to all appearance, during the recess of Parliament. I say, then, when you come forward with such measures, even if you should succeed in carrying them against any opposition you might meet with in this House, do you think you would then have reduced Ireland to a state of peace, tranquillity, and obedience? Will not these wounds bleed inwardly, and will not discontent remain, though under the surface? Will not the opinion of the people, that they have been wronged, and that the English Parliament, the representatives of the English nation, are the doers of that wrong, instead of diminishing, grow stronger and stronger in consequence of your measures of coercion? I do hope that the Government will consider deeply this question; and that this House will not enter on so fatal a course, but will adopt such measures as may satisfy the minds of the Irish people, and assure them that we in this House are really and truly their representatives. In adopting measures of this kind, you will be enabled in future years, as you have been in past, to withdraw or diminish your military force in Ireland as may suit your convenience or arrangements, without any fear of outbreaks and disturbance in that country. If you do not adopt such measures, the consequence will certainly be what I have pointed out; it may be worse, and scenes of lamentable conflict may take place; but at best you will have the mind of the Irish people altogether alienated from you, and their feelings embittered towards the people of this country; then, in speaking to foreign countries, and holding up your head to the world, Ireland will not be your source of strength, but the cause of your weakness. I will refer again to what I alluded to at the commencement of my remarks. It may be said, as a good an-



swer to all that I have stated, that it is in your power to make some motion, even before the House separates, which will bring the question to a test whether some other course should not be taken in reference to the commercial and financial policy of the country, and whether in respect to Ireland, the Government ought not to alter its course, and endeavour to conciliate the affections of the people of that country? Now, I cannot see that there would be any peculiar advantage in my proposing any such motion, after the discussions which have already taken place. The right hon. Baronet opposite is in possession (no one doubts it) of the confidence of the majority of this House. The right hon. Gentleman will be able to conclude the session without any vote from that majority at all disturbing his tenure of power. But there remains a serious question for him and his colleagues to consider. If I am at all well founded in the observations I have made, then I say it is in your (the Ministers') power by a large, liberal, and comprehensive policy, to increase the means of the country, to add to its material wealth, to augment its commerce, and to make it still more powerful as a commercial nation. It is in your power, if my observations are well founded, to wean the people of Ireland from their attachment to the cause of Repeal, and to induce them to believe that in this House we, their representatives, would do them full justice with respect to any cause of complaint, and would adopt any well-considered measures of relief. If you take this course, the power of this country instead of being diminished, will be immensely strengthened for any purpose of foreign or home policy which you may contemplate; but, if you resolve to take the other course—if, representing, as I think you do, two opinions (one opinion being that you ought to stand still and resist every change, and the other opinion being that you ought to go on in measures of improvement and conciliation)—if, representing these two opinions, you dare to take no vigorous measure in support of either one or other opinion, depend on it this country will long lament that in the hands of such men the destinies of so great and powerful a nation as this were ever placed.

Sir R. Peel spoke as follows:—It is not my intention to find fault with the noble Lord for the course he has thought fit to

pursue on the present occasion. I admit, that it is perfectly open to him, in the discharge of his constitutional duty, on a motion for a committee of supply, to deliver his sentiments with respect to the conduct of the Government and the position of public affairs, without being under the necessity of testing the opinion of the House by any distinct proposition implying censure on, or a want of confidence in the Government. At the same time, I think, if the Government deserve the character which the noble Lord has attempted to give them, that the noble Lord might in that case with perfect success have adopted the more direct and open course of calling on the Members of this House, as the representatives of the country, to imply a want of confidence in the Government; and if we did deserve the character which the noble Lord has given us, not only the House of Commons but the country also would be content to respond to that call. The noble Lord has abstained from taking such a course on the present occasion, following the advice which was given him by the noble Lord sitting on his right hand (Lord Palmerston), or at least adopting that noble Lord's suggestion, which implied that even if the present Government were voluntarily to retire from power, there was such a distrust in the country of those who had proceeded them, that the present Government, contrary to their own inclinations for retirement, would be forced by the public voice again to assume the direction of affairs. This is the opinion of the noble Viscount (Viscount Palmerston) who sits on the right hand of the other noble Lord (Lord J. Russell), as to the claims of the probable successors of the present Government on the public confidence; and therefore it is, I presume, that the noble Lord (Lord J. Russell) acted not only on the suggestions of his own mind, but also on the suggestions afforded by the practical experience of the other noble Lord, and his modest estimate of his claims on public confidence. I was rather surprised, considering the very gloomy view which the noble Lord (Lord J. Russell) has taken of public affairs, that he should have indulged in that preliminary levity which prefaced the very doleful account he had to give of the condition of the country, and in the course of which he referred to the tunes which he thought "the harmonious instrument" might have been expected to play. I think that the noble Lord, if he really entertained so

gloomy an opinion of the condition of this country, would have hardly condescended to indulge in what, I should deem, would in such case, have been misplaced and not very successful irony. The noble Lord alluded, in the first place, to the progress made in legislation; and he said that nothing would be more easy than to draw up an account of the measures with which we (the Government) commenced the Session, and in respect to which no progress had been made in bringing them to maturity. It is quite true, that in the execution of our public duty we were desirous, in conformity with the recommendation contained in the Speech from the Throne, to suggest to the consideration of the House measures connected with the improvement of the law and the domestic condition of the people. It is equally true, that we have been compelled to relinquish the hope that those measures would be brought to a successful result. We proposed measures for facilitating the recovery of small debts, for improving the ecclesiastical jurisdiction of the country, and for the purpose of extending throughout the country—at least in the manufacturing districts of the country—the advantage of moral and religious education. Is it our fault that, with respect to these measures, we have been unable to make any progress? Have we shown any unwillingness to devote our time to the consideration of measures in the Legislature? The noble Lord says, that we command a great majority in the House. Does that circumstance enable us to prevent the discussions which have taken place in this House, or to control the opposition by which some of the measures of the Government have been met? Is it our fault that a practice has grown up of continuing, from night to night by adjournment, debates on public affairs? If at any time we suggest that the time has arrived for closing the discussion, and even if our suggestion be in conformity with the general sense of the House, has it not been the practice to meet that suggestion by motions of adjournment? Is it not notorious that it is not in the power of a majority, however united, to control these discussions if a small party be determined to force on motions of adjournments? On three several occasions, in the course of the Session, each debate has continued for five nights; and I ask, whatever the majority of the Government might be, what measure could be had recourse to in order to pre-

vent those discussions? The noble Lord knows, that though the Government were desirous of bringing forward their own measures, to which they attached great importance, they nevertheless did not attempt to interrupt the progress of the debates to which I have alluded, by preventing them from coming on on days appropriated to Government business. Those debates might have been justifiable, and might have been important, and a discussion of five nights each might not have been more than sufficient to legitimately exhaust the subject. But granting all this, do not these debates oppose impediments to the progress of public business? And can any Minister, whatever majority he may command, so control the deliberations of this House as to prevent the occupation of time by debates? On the motion of the noble Lord opposite (Lord Howick), on the motion respecting the Corn-law, and on another motion relative to the policy of the Government towards Ireland, five nights were occupied on each of these occasions in the debate. Then there was the debate relative to the conduct of a noble Friend of mine, Lord Ellenborough, which occupied three nights, I think. We brought forward, in the discharge of our public duty, the Irish Arms Bill. We brought it forward because we felt that to be our duty. Ten nights have been occupied in that bill alone in committee, and seventeen nights upon the bill altogether. On two several nights, there had not been less than twenty-two or twenty-three divisions taken in reference to that bill—no doubt from conscientious motives. I presume that no man who originated any of these divisions, several of them on verbal questions rather than on questions of very great importance, acted otherwise than from a sense of public duty. But could we control these divisions? If divisions in one night, each division occupying ten minutes, or a quarter of an hour, would consume a considerable portion of time. Thus, then, I have mentioned that there were fifteen nights consumed in debates on three questions of public importance; and seventeen nights occupied by the Arms Bill. [*A Cheer.*] The hon. Gentleman who cheers may not have thought that bill necessary, but if the Government felt it necessary, viewing the outrages which took place from the possession of fire-arms, to take security for the maintenance of the public peace, we could not



shrink from the discharge of that duty, and from asking for the sense of Parliament with respect to the measure which we proposed. Parliament had a perfect right to subject the measure to the ordeal of discussion, but after having done so, do not blame us because we have been in consequence unable to proceed with those measures which we thought important, calculated to improve the administration of justice, and introduce useful reforms in other matters connected with the domestic condition of this country. The noble Lord spoke with a taunt of our abandonment of the education plan. At any rate, we brought it forward not for the purpose of increasing our own power, or of giving undue power to the Church, but as the result of a careful revision of the condition of the manufacturing population, and of a deep impression that other measures than coercion and force were necessary for laying the foundations of good order. We had a sincere and earnest hope, that there was a wide-spread conviction throughout the country, that a measure of this kind was necessary, and we entertained the expectation, that some scheme of combined education, founded on religion, and inculcating the great truths of Christianity, might be proposed to Parliament, and that the Church and Dissenters would be content to acquiesce in its execution. This was the motive alone which induced us to prepare and propose the measure to Parliament. It met with very general consent in the House of Commons. I think, speaking generally, the majority of the House of Commons was in favour of that measure, that is to say, on its abstract merits; but as there was no hope of the successful working of that measure, even if the majority of the House consented to it, unless we carried with us the cordial co-operation of those who dissented from the Church, we thought it a wiser course, and one less likely to continue religious animosities, to abandon the measure, than trust to the mere force of a majority for carrying it. This measure differed from others in this respect—that after a majority consented to it, its success depended on the cordial co-operation of all parties. Supposing the Houses of Commons and Lords, and the Crown consented to the measure, and supposing it passed into law, yet, unless men were content to abate something of their own prejudices and to bury in oblivion some of their animosities, there was little chance that ultimate good

would have resulted. A determination to persevere with the measure without the cordial co-operation of those who dissented from the Church might not only have precluded the success of the measure itself, but might have laid the foundation for new and still bitter religious animosities. But were we not justified in making the attempt to prevail upon the Church to relinquish and surrender some of its feelings and prejudices on the subject of a combined system of education? and were we not equally justified when, despairing of cordial concert and harmonious co-operation, we, like prudent men, did not persist in forcing a measure against the will of those classes without whose co-operation and concert and assistance we could not hope for a successful working of the measure? With the opinions expressed by the noble Lord opposite upon the first statement of that measure, looking at the amendments which the noble Lord gave notice of his intention to propose, and after the approbation which I understood the noble Lord to express upon the ultimate relinquishment of the measure, I own I am somewhat surprised at the tone in which the noble Lord has spoken of the course which her Majesty's Government has taken with reference to the relinquishment of the bill. The noble Lord next proceeded to discuss our foreign policy, and the single charge which the noble Lord has brought forward against us, connected with our foreign policy, is not the course which we have thought it right to take with regard to Scinde, but our unwillingness to present to the House at this moment the instructions which we have felt it our duty to give with respect to the affairs of Scinde. I know not how it has happened that the noble Lord has glanced so lightly over our foreign policy. I should have supposed, that the noble Lord, in dealing with that part of the question which he himself has raised, would have contrasted the position of this country now with the position in which the present Government had found the foreign policy on their accession to office, not merely with regard to the United States of America, but with reference to the feelings prevalent in France as to this country. As, however, the noble Lord has included Scinde and the transactions there, he might, on looking at the map of Scinde, have cast his eye a little to the north-east of that district of country, and have alluded to the position in which her Majesty's present advisers found British power

in Afghanistan. For this position the noble Lord has omitted the slightest commiseration. I apprehend, however, that at no very remote period it is intended to bring the whole of that question before the House, and in two or three days those documents which, consistently with their sense of duty, the Government can produce, will be presented and laid upon the Table. The noble Lord asked,—

“Why not lay before the House the instructions you have given, and enable us to judge of the course you mean to pursue?”

Lord *J. Russell*, I said I think there may be good reasons for postponing the production of your instructions, but not for withholding the expression of your opinions upon the subject.

Sir *R. Peel*. What is the difference between communicating the instructions and stating the views and intentions of the Government? Are the operations in the field yet concluded? In one despatch it is true, it was stated that not another shot would be fired? I am not so sanguine, and I cannot undertake to say, that the military operations in that district are entirely concluded, but I can undertake to say, that it is not consistent with the duty of the Government, while military operations are proceeding, to lay before the House, in the shape of their instructions, their views as to the course to be pursued in the future Government of that country. I can believe that a premature disclosure of those views and intentions might seriously compromise British interests in that part of the globe. The time will come when her Majesty's Government will state the course they have taken, but until I know, that the military operations have been concluded, that peace has been restored, and that tranquillity has been established, it is our duty to withhold the production of the instructions we have issued, and which the noble Lord seemed so anxious to peruse. I do not apprehend that the noble Lord himself will think that while operations are going on in Afghanistan, or in any other part of the globe, that we ought to encounter any risk by laying before Parliament the instructions we have issued to our naval and military forces. It is difficult to lay down any rule or precedent, you must place confidence in the Government with respect to the instructions they issue, and while there remains a chance of British arms being engaged in warfare, or the risk that British interests will be com-

promised, I trust the House will not call upon the Government for a premature disclosure of its views and intentions. The noble Lord then proceeded to take a review of the commercial policy of the country, and alluded in particular to the nature of the commercial transactions between this country and the United States, and between this country and the Brazils. No doubt it is greatly to be lamented that our commercial intercourse with the United States has greatly diminished. However, at various periods, that intercourse has been subject to great and considerable fluctuations. The noble Lord referred to several years in succession, and took the average of those years as exhibiting our commercial intercourse with the United States. Now, from the papers which the noble Lord has quoted, I will read some of the instances in which very great changes have taken place with regard to our commercial intercourse with the United States. In 1836, the declared value of our exports to the United States, amounted to 12,427,000*l.* In the next year it fell to 4,695,000*l.* In the year following, it was 7,585,000*l.*; and in the year after, 8,839,000*l.* In the year following, the declared value of our exports suddenly fell to 5,200,000*l.* In the next year they rose to 7,098,000*l.*; and in the last year, 1842, they were unfortunately reduced to 3,528,000*l.* Here were striking proofs of the fluctuations which had taken place in this trade. But the noble Lord says, that it is the immediate duty of the Government to take steps for increasing our commercial intercourse. The noble Lord says that it is to be done through the operation of commercial treaties, or by means of reducing the import duties on articles the produce of the United States. I should not consider it at all prudent on a question like the present, to express any positive opinion with respect to commercial treaties; but I must say, the experience of recent attempts has not been very favourable to the noble Lord's views. The conclusion does not depend on the will of one party. You enter into negotiations; hopes of a successful issue are continually entertained, and as continually postponed; new proposals are made, there is a natural indisposition to terminate the negotiation, and in the mean time the trade greatly suffers. In experiencing difficulty and failure in negotiating commercial treaties this country has not been singular. Other countries, from similar motives, have de-



sired to receive in return for concessions similar concessions from those countries, with which they have negotiated. A similar policy has been pursued with regard to the treaties with Portugal and France. On entering office we found negotiations pending with those two countries, and sanguine hopes entertained that they would be brought to a satisfactory conclusion. I will not attempt to lay down any abstract rule with regard to commercial treaties, nor to pronounce any positive opinion on the subject. There may be circumstances which justify us in making reductions on the produce of foreign countries, though you cannot gain a corresponding concession. No doubt if that foreign country will at the same time reduce the import duties on your productions, you gain a greater advantage than if you merely make a unilateral reduction, by reducing your own import duties only. I shall, therefore, abstain from laying down any abstract *dictum* on this subject, but I must observe that the course which was pursued with regard to America—as to the reduction of duties on American produce, was not so immediately followed by any reduction on the part of the United States, as we had every right to expect. And when the noble Lord confidently predicts, that if we make further reductions, we shall be met in a corresponding spirit by the United States, all I say is, that past experience hardly justifies the noble Lord in uttering that confident expectation. We made last year in the tariff a material reduction in the duties of articles introduced into this country by the United States. We gave the United States great facilities in carrying on an increased intercourse with our colonies. That tariff included many articles, the produce of the United States, on which a material reduction was made. But what was the course which the United States pursued? The Government of the United States was aware that these reductions were proposed to Parliament, and that they would probably meet with the assent of Parliament, and yet in the month of July last—in July, 1842—notwithstanding the example of liberality which we set, without calling for any corresponding concessions, that Government imposed the high tariff against our productions, to which high tariff must be attributed the diminished value of our exports to the United States. I do not say that we are to abstain from reducing our duties on American productions, be-

cause America does not reduce her duties upon ours. I do not maintain that doctrine, but it does not follow that the example which we set will be followed by the United States in an equally liberal spirit, and to its having not been, the failure of our commerce with the United States, must be greatly attributed. This, however, be it remembered, was not the act of the British Government but that of the United States. It was they who imposed prohibitory duties on our produce, a few months after we had made the most important reductions on theirs. I cannot deny the value and amount of the traffic between this country and the United States; but, at the same time, I cannot admit that the noble Lord's view of the state of our commercial relations generally is correct, and if it were, it is a condemnation of the very policy which he recommends. But it is to me a satisfaction to find, that within the last six months there have been striking indications of improvement in some of the great branches of the commerce and manufactures of this country. I hold in my hand a return of the exports of British produce and manufactures from all the ports of the empire for the six months ending the 5th of July, 1842, and on comparing the declared value of the exports of these six months with the declared value of the exports for a similar period of the present year, though there is not the improvement we could wish, there is at least a material improvement in some of the great branches of manufactures. The declared value of the exports for the first six months respectively of the years 1842 and 1843, ending July 5, each year, was of—

Cottons, First six months	1842	£7,087,000
Ditto	1843	7,983,000
Of Linens, First six months	1842	1,294,000
Ditto	1843	1,361,000

In the linen there is but a slight increase, but still there is an increase. In the woollen exports, a trade which was in the course of the last year so greatly depressed, the increase is much more marked:

Woollens, First six months	1842	£2,226,000
Ditto	1843	3,035,000

That is the case with respect to the woollen manufacture, which was so materially depressed last year. I speak not of the exports to the United States and Brazil alone, but of the exports to all countries, including Brazil and the United States; and comparing the first six months

of last year with the six months of this, I find a considerable increase. The improvement is still more marked, if you compare the 1st month, ending July 5, 1843, with that ending July 5, 1842. The declared value of the exports of

Cotton, was in the			
Month ending July 5, 1842 ..	£1,084,000		
Ditto 1843 ..	1,445,000		
Of Linens—			
Month ending July 5, 1842 ..	201,000		
Ditto 1843 ..	271,000		
Of Woollens—			
Month ending July 5, 1842 ..	408,000		
Ditto 1843 ..	791,000		

This latter item gave a most remarkable indication of improvement, and that in a trade which was most depressed. Therefore, on the whole, comparing the six months of the present year with the past year, there are cheering indications, although I admit that, from a single month, no confident expectations of permanent improvement can be gathered. It was, however, certainly stated that, had as the cotton manufacture was last year, the depression would be greater this year. That prediction, fortunately, has not been realised. The extent of the cotton manufacture during the first six months of the present year has greatly exceeded that of 1842. The total consumption for the six months of this year was 688,000 bags, a greater quantity than was ever known. [An Hon. Member: "It is re-exported."]

I admit that the price of the raw material is low, and as the hon. Member says, there may be an export; still there must be a great demand for the article, and the amount of raw material consumed is very remarkable. The years 1835, 1836, and 1837 were years of great prosperity in the cotton manufacture. What was the consumption in the first six months of those years. From the return which I hold in my hand, I find that in 1835, there were 451,984 bags of cotton taken for consumption; in 1836, 474,902; in 1837, 497,302, and in the present year, 1843, the number was 688,584 bags. This is a most remarkable increase, comparing the first six months of the present year with the first six months of those most prosperous years. But, to pursue the comparison further, I will take some of the other exports of cotton. The cotton yarn exported in the first six months of 1842 was 58,000,000lbs., in the first six months of 1843, 62,000,000lbs.; cotton thread exported in the first six months of 1842,

935,000lbs., in 1843, 1,324,000lbs.; printed calicoes, first six months of 1842, 123,781,000 yards, in 1843, 145,295,000 yards; plain calicoes, first six months of 1842, 152,827,000 yards, in 1843, 253,318,000 yards. In this latter item the increase was enormous, but in them all you find indications of an improved and more healthy condition of our manufactures. How, then, can it be said with justice that the measures taken by her Majesty's Government in the course of last Session, either with respect to the Corn-laws or the Tariff, have been so fatal to the great branches of our manufacturing industry as was confidently predicted? The noble Lord complains that, in the course of the present year, we have not brought forward extensive measures for the alteration of the Corn-laws. If we had done so, I doubt whether the noble Lord himself would not have been the first to tell us that we ought not to have opened the question of the Corn-laws last year, unless we had then determined what relaxations we were prepared to bring forward, and that to propose a new law, year after year, was destructive of all confidence and injurious to the country. But the noble Lord says it was inconsistent with that course to bring forward the Canada Corn Bill. The noble Lord, however, knows that her Majesty's Government did not bring forward that measure as a spontaneous act, or on an abstract consideration of policy, but to redeem a pledge made last Session, when the Corn-laws were under consideration, and when it was held out to the Canadas, that if they passed certain measures, further facilities for the importation of their corn into this country would be given. It was not in the contemplation of her Majesty's Government to disturb the existing law but merely to fulfil the expectations which had been held out to the Canadas. The noble Lord also referred to our financial policy. I wish the noble Lord had referred also to the condition of this country in that respect, when we succeeded the last Government. The noble Lord now says the measures which he proposed with reference to sugar and corn, would have supplied that deficiency, but I think it capable of demonstration that, on his own showing, they would have been insufficient. We thought more decided means were necessary, and that a vigorous effort should be made to equalise the expenditure with the



revenue. The noble Lord says, that we have equally failed, and that in the April of the present year, there was a great deficiency. No doubt there was, but the whole of the property tax had not then been collected, and my right hon. Friend the Chancellor of the Exchequer explained that circumstance to the House. Sir, we not only introduced a measure imposing a taxation upon property, rather than a measure imposing a tax upon consumption; but we at the same time removed many of those duties which imposed restrictions upon the commerce of the country, as well as some of those duties which pressed upon articles of consumption. In many essential respects the tariff of last year has not as yet come into effectual operation; and considering the nature of some of the articles affected by it, I do not think the House is at present in a position to pronounce a positive opinion as to its success. But, so far as the experiment has gone, and as far as its effects are known I think it is satisfactory. My firm opinion is, that the vigorous measure we resorted to for replenishing the public coffers—the levying of a tax upon property, was absolutely necessary for the public credit of the country. My belief also is, that the reductions of duties upon articles of manufacture, and upon some of those of consumption, have had a salutary effect. Further experience will prove the policy and wisdom of the course so pursued. The noble Lord complains of the reduction of the duty upon timber. We have had that subject frequently under consideration. He compares our measure with that which he contemplated, which was a very considerable increase of the duty upon colonial timber, and a very small decrease of the duty upon foreign timber. We thought it advisable to remove that upon colonial, and make a considerable reduction with regard to foreign timber. The noble Lord condemns that policy. I greatly doubt whether experience will not prove our policy to have been the best. It was the observation of Mr. Hume, that England possesses iron and coal, and that all she wants to give her an unlimited power over manufactures, is a free access to wood. [Mr. Hume: And food.] I was, Sir, quoting the opinions of Mr. Deacon Hume, and not of the hon. Gentleman. “It is,” said Mr. Deacon Hume, “therefore, the true policy of the country to facilitate the importation of timber.” In pursuing that policy, Sir, we differed practically from the noble Lord; but though a reduction in the amount of reve-

nue derived from the article of timber has been one of the consequences of the course we took on that occasion, I firmly believe that it will be ultimately and permanently for the advantage and benefit of the country. The noble Lord then adverted to the domestic circumstances of the country in connexion with our Government, and first he spoke of the present unfortunate disposition to insurrection which pervades Wales. The noble Lord says, that a sufficient explanation of the causes which led to that state of things has not been furnished; and he inquires whether or not we mean to suppress it by force of arms. Sir, we do not propose to pass over the causes of the present movement in the investigation which we are making. The noble Lord knows perfectly well that it is quite unconnected with politics, and that these causes, whatever they may be, imply no blame on her Majesty's Government. But, Sir, when the noble Lord casts blame upon the Government for their conduct in regard to the suppression of the insurrection in South Wales, he might have recollected what had taken place in the same part of the country when he was a Minister of the Crown, and what course the Government of which he was then a member took to suppress the rebellion that then existed in the principality. The noble Lord might have remembered the cordial aid he received, without reference to political or party distinctions, for the purpose of strengthening the hands of the Government. Does the noble Lord recollect what took place at Newport? Does the noble Lord forget the loss of life which happened upon that occasion? Does the noble Lord recollect the attack upon that town which was led on by Mr. Frost? Does the noble Lord recollect his own proposition for an increase of the military force to the extent of 5,000 additional men, in the year 1839, for the purpose of suppressing the disturbances in Wales at that time? The noble Lord made a proposition to increase the army by 5,000 men, and he dwelt, in making that proposition, chiefly upon the disturbances that had recently taken place in Wales. The noble Lord then stated, that the Government had been taunted with apathy and remissness in the execution of their duty; the noble Lord went very fully into the difficulties which there were in immediately suppressing those disturbances by the force of arms. The noble Lord said:—

“There were numerous meetings at which

the most inflammatory language was used, and where treasonable and seditious words were spoken."

And the noble Lord said:—

"He was most unwilling to resort to new measures of force; he thought that every effort ought to be made by the exertion and vigilance of the Government, and by the application of the ordinary powers of the law to suppress those disturbances."

And the noble Lord added:—

"But while I always held these opinions, I at the same time, thought, before I had myself any experience with regard to this subject, that there was a power in the ordinary law of the country which might be easily resorted to, in order to put down such mischievous projects and such injurious proceedings. I must say, that the experience I have had teaches me, that although the laws are themselves strong, and apparently efficient, yet that there is great difficulty in putting those laws into operation. With regard to one instance, with respect to which I have seen many observations made—and at various times violent speeches were made on various occasions—every one has seen in the newspapers the strongest excitement to violence, rebellion, and alarm of every kind; and it has naturally been observed, with regard to such language, that it was seditious, if not treasonable, and that the law ought to be put in force to suppress it. That was my own feeling likewise: but, when I came to any particular instance of such language, the obtaining of evidence and procuring a conviction was not a matter of so much facility as it appeared."

Well, then, the noble Lord having acquired that experience in office, he should not be too forward in blaming those who have succeeded him, if when newspapers report violent and seditious language the Government may not find it so easy at once to punish those who are alleged to hold that language, or to suppress such meetings. [Lord J. Russell: I did not confine my observations to Wales, I referred to Ireland also.] The noble Lord has spoken not of Ireland only, but of Wales. The noble Lord did seem to imply that because there had been violent proceedings in Wales, there had been great apathy and indifference on the part of the Government towards their suppression. The noble Lord asks, "How can these things be? How is it that the Government have permitted them to arrive at such a degree of violence?" I will tell the noble Lord that the Government have neglected no measure of precaution; they have determined to enforce the law; they have taken every means at their command for the purpose

of maintaining the public peace; and they are determined to persevere in that course, and they do hope that the readiness which they evinced when the public peace was before in danger to strengthen the hands of the Government will be shown by those who now act in opposition to them. The noble Lord received support not merely by the consent given to an increase of the military force when he proposed his 5,000 men, but by the ready and cordial concurrence in the oblivion of all political differences, and the determination to uphold the authority of the law, which added still more to the strength and influence of the executive Government. And, Sir, whatever may have been the original causes which led to these outrages in Wales, they were apparently slight; but a slight cause often leads to considerable excitement, which spreads with great rapidity. It is greatly to be deplored that excesses have been committed, and that such a bad spirit exists. As I said before, they are not traceable to discontent with the Government—to political discontent. But, at the same time, there cannot be a question that it is the duty of Government, even for the preservation of those who are now concerned in these outrages, and in the promotion of these excesses,—it is, I say, true policy and true humanity with respect to them, to use the most vigorous efforts to restrain those parties, to support the law, and to suppress those outrages. I trust that her Majesty's Government will not be exposed to quibbling censures upon their conduct with reference to matters of this kind; but that there will be a general and marked disposition on the part of this House to aid the Government in the maintenance of the public peace and in the suppression of insurrection. And I hope that no false impression will go forth that any party who is disturbing the public peace will receive any encouragement or sympathy from any quarter of that House. With respect to Ireland, Sir, I must also say that the course which her Majesty's Government have taken with regard to that country has been the subject of discussion to a great extent and that very recently; and we are told that in the course of next week the state of Ireland is again to be brought under the consideration of this House. Why, Sir, the Ministers of the Crown have already explained to the House the course they have pursued and intend to pursue. They have explained that it is their determination to



leave no effort untried for the maintenance of the legislative union of Great Britain and Ireland. They have also stated that they would not be impelled by remonstrances, or by threats, or by apprehensions, or by alarms, beyond their sense of duty, to resort to unusual measures of force; that they would, as far as possible, trust to the efficacy of the ordinary powers of the law, and would take every precaution against disturbing the public peace; that they would make every preparation for the maintenance of tranquillity; but that they would reserve to themselves the unbiased judgment as to the time and circumstances in which it might become necessary to appeal to force and arms. I believe that the course they have pursued in that country has met with general approbation. Sir, I regret to hear the noble Lord censure the Government for the course they have pursued for the purpose of marking their disapprobation of the efforts that have been made to destroy the legislative union, by the exercise of the prerogatives vested in the Government. We have not asked for fresh powers; we have acted with forbearance in the application of those that we possess. We have shown our confidence in the powers of the law; we have not sought to irritate by a premature and hasty application of force; but we have felt it our duty, at the same time, to advise the Crown to exercise its prerogative for the purpose of marking its disapprobation of the conduct of those who have joined in the attempts which have been made to promote the repeal of the union. We have noticed the multitudinous assemblies that have been held, and the inflammatory language used at them; we cannot blind our eyes to the danger to the public peace which they excite. Therefore, we have felt it our duty to advise the Crown to withhold its confidence from those who take an active part in the promotion of those meetings, and we did recommend her Majesty to remove from the commission of the peace those who held such language, or were present at those proceedings. And what course would the noble Lord advise the Government to take? He says—"Do not apply force hastily." When the noble Lord was a Minister, he advised the Crown to declare that "the severance of the union would be fatal to the integrity of the empire, and to the existence of this country as a powerful state." We concurred in that view, but the noble Lord quarrels with the exer-

cise of the same prerogative of the Crown; now we give a practical proof that we hold the same opinion, by advising the Crown to remove from the commission of the peace those who exercise that commission in giving countenance to those proceedings. I shall not upon this occasion anticipate the debate which is to take place in the course of next week, upon the motion which I conclude it is the intention of the hon. Gentleman opposite to proceed with. The noble Lord and the right hon. Gentleman opposite had a full opportunity of stating their views in the late debate, and I think it unnecessary to enter into the discussion of them again. But, I must say, that we have governed and are prepared to govern Ireland in a spirit of justice and impartiality. We have tried to govern it, not through the exclusive agency of a party, but we have tried to govern it upon the principles of justice and impartiality. We know what has been the consequence of that. We know your taunts in some respects to be just, namely, that we have not conciliated the goodwill of one party, and we have lost the confidence of some of the other. We know we might have gained the confidence of one by governing exclusively through its agency. We have not attempted to govern exclusively through a party, but upon more enlarged and more comprehensive principles; and the consequence has been that which was predicted and with which we are now taunted,—that if we had governed Ireland exclusively upon the principles of party, although we might have exasperated one party, we should preserve the confidence of the other. Still I shall not despair, nor will those who are united with me in the Government, that when our intentions are manifested—when it is seen what is the course we have pursued, and that which we are pursuing—we do not despair that there will be a general confidence in the justice and impartiality of our Government, and that the applause of rational men, attached to the interests of the country and desirous of its peace and tranquillity, will be the reward of the conduct which we have pursued and are determined to pursue. Sir, I trust, the House has not forgotten the position in which we found the Government when we were called to office; I trust that they have not forgotten the position of affairs in Canada, the position of affairs in India, the state of the finances, the unfinished war in China, and the state of our trade. I trust they have

not forgotten all the difficulties which encompassed the Government at the time we assumed the direction of public affairs. I trust they will have seen that the military force in Canada has been materially reduced. I trust that they will have seen that the causes of the differences with the United States—those at least which even threatened us with hostility—have been removed; that those feelings of hostility towards this country which prevailed in France have, I think, been greatly abated, that many of the causes of the differences which obstructed a good understanding with that country no longer exist, and that some of the disputed points between this country and France either have been adjusted, or are in a train to be satisfactorily adjusted; and I trust the House will not overlook, that though the present amount of the revenue may not be sufficient to meet the whole of the demands upon it, yet that the great financial effort made by the country last year has laid the foundation, in my opinion at least, for equalizing the expenditure and the revenue. It is true that trade is still depressed, but I think I have given some proofs that with respect to the great articles of manufacture, there are at least indications of a revival of trade. Trade is depressed, chiefly, in my opinion, in consequence of the succession of those unfavourable seasons which, for years preceding the last, had of course a material effect upon the capital and industry of this country. The hostile tariff of America, and the deranged state of the circulation of America, no doubt, has contributed still further to increase our commercial difficulties. But still the measures taken in the course of last year and the improvement in the tariff will, I trust, lay the foundation for the repair of the evils that have been felt, and for the increase of the commercial prosperity of this country. I trust the House will not consider that we have been unfaithful to the trust reposed in us; nor that we have forfeited any claim to that confidence which was given to us when we accepted office and entered upon the administration of affairs. By the course we have pursued, we have occasionally in the execution of our public duty, disappointed the expectation of our friends. They may not have realized the hopes which they were led, as the noble Lord says, to entertain, that protection would be carried to the extreme point, or that the agricultural produce of this country would be favoured

by still higher duties; but, whatever expectations have been entertained, there was no declaration made either by my colleagues or by myself which could justify our friends in supposing that we would sacrifice our public duty to their expectations. We have exercised the trust reposed by the country in our hands in such a way, I trust, as not to have forfeited the confidence which our friends were disposed to place in us when we came into office. In our endeavours to retain that confidence, we will apply ourselves to the discharge of our public duty with a firm belief, that whatever may be the threatening aspect of public affairs in particular quarters, there is that energy and public spirit in this country that will enable us to surmount them all, and to place this country, in reference to its domestic affairs, and with reference to its foreign relations, in that proud position which it ought to maintain. Sir, if the noble Lord had upon this occasion proposed any vote for testing the confidence of this House in her Majesty's Government, we feel that that confidence would not have been withheld from us; that no partial dissatisfaction—no partial disappointment—has alienated from us the approbation and support of our friends, and so long as they are continued, we shall persevere in the discharge of our duty.

Viscount *Howick* said, that he was not aware until that morning that it was the object of his noble Friend to raise the present discussion, and he had not intended to take any part in the debate; but after the speech which had been just delivered by the right hon. Baronet, he could not refrain, from a sense of duty, from expressing, and it should be very shortly, the great disappointment he felt in listening to that right hon. Gentleman, and the great regret he felt, when he found that her Majesty's Government still appeared to entertain the opinion that the situation of this country might safely be left as it was, without any interference on their part. That the situation of the country was very serious—that there were difficulties, not to say dangers, sufficient to excite anxiety in the mind of every man capable of taking a calm view of the circumstances around him, was, he thought, a fact that must be universally admitted. What did they see in Ireland? What was it, according to the description of one of the highest servants of the Crown, and who, he trusted, in this, went far beyond the truth, but who still affirmed that it was



to be regarded as "a smothered rebellion?" What did they see in Wales? There the disturbances were daily assuming a more serious character; and in Scotland, they saw the Church of that country, which for upwards of a century and a half had flourished, and with the blessing of God had been the means of bringing up a population more orderly, more moral, and more religious, than he believed, was to be found in any other country in the world—they found that institution torn by a schism, which menaced its continuance, and its usefulness. Such, then, were the public circumstances of the country: and if they then turned to their financial and commercial affairs, they found, as to their finances, that there was an admittedly large deficiency of income to meet the expenditure—a deficiency which, if they properly interpreted the phrases used by the Chancellor of the Exchequer, they could not expect to see covered for another year. They found, too, all their great branches of industry grievously suffering; that the iron trade, which was one of the most important of them, had, as it appeared by the public papers, been brought under the serious consideration of the right hon. Gentleman. All the great mining interests were suffering—particularly that of coal—all were experiencing severe pressure and labouring under great difficulties. And yet, amidst all these difficulties, the right hon. Gentleman appeared to console himself with the prospect afforded by the wool and cotton manufactures. He could not, remembering the statement that had been made a few evenings ago by his hon. Friend the Member for Halifax—he could not anticipate so favourably as to the prosperity of the wool trade: and then, as to the cotton manufacture, they had no ground for believing in its permanent improvement. There was no reason why they should rely upon the anticipations of the right hon. Gentleman. At the beginning of the Session the right hon. Gentleman had told them of his hopes of improvement—he had consoled them with hopes; but, as in times past, his hopes had proved deceptive, and he feared they had now but too much reason to fear that in what they had heard they would be equally disappointed for the future. While, then, trade was suffering, agriculture was beginning to share in the general difficulties. They all knew, that in every part of the country the farming interests were exposed to the greatest pressure and

distress. Such, then, was the state of the country, and he believed he did not exaggerate it in any respect. Surely, then, under these circumstances, it was a matter deeply to be lamented, that, as it appeared now to be the case, they were about to close a long and laborious Session without having brought to a successful termination one single, large, important measure of legislation, calculated to improve the condition of the people, and to mitigate the pressure of the evils which had so long weighed upon the country. It was deplorable, that under such circumstances, the Session should come to a fruitless conclusion. He believed, that there was not any Gentleman on either side of the House who gave a calm and dispassionate opinion, who would not tell them that the circumstances and situation of the country required the energetic exertion of all the power of the Government and Parliament, and who would not add that it was not a sufficient reason because nothing had been done that nothing was to be done. Hon. Gentlemen might differ as to the mode of meeting those difficulties. Of course in a numerous assembly like that, there must be differences of opinion as to the manner in which difficulties were to be met; but he believed, that off the Treasury Bench, they could hardly meet with one Gentleman who would not give it as his opinion, that the active and decided interposition of the Government and of Parliament was imperatively required in the existing state of the country. He himself had upon more than one occasion declared his opinion as to what ought to be the direction in which that interposition should take place. The right hon. Baronet, when he was out of office, was very cautious in stating his views as to what ought to be done. If it were his object, or the object of those with whom he acted, merely to return to the Ministerial Benches again, they would do well to imitate the caution of the right hon. Gentleman. He must say that he had no desire that the present Government should relinquish the helm of affairs. That which he desired was, that good measures should be adopted, and he cared not who were their authors. He wanted measures, which should meet the growing difficulties of the country; and he therefore had no desire to conceal his opinions as to the measures that ought to be adopted, and which he believed would meet those difficulties. What was required was, to relieve the industrious classes from

the embarrassments which still fettered and chained them down. With respect to Ireland, he said they ought to apply their consideration and see what that people had a right to expect from them. He need not now repeat what he had said lately to the House, as to Ireland, and which Parliament had the power to effect. It was to such measures that he should look for the gradual improvement in the situation of that country. But whether those measures were adopted or not; or whether there might not be other measures calculated for its improvement, still he said that it was the duty of gentlemen occupying the benches opposite to come forward, and with their advice to guide and assist the House in taking that course which under the circumstances was requisite. They were bound to advise and to counsel that House as to what ought to be done. The right hon. Gentleman had, however, now made a speech, which was hardly worthy of the situation he held, or the time at which it was delivered. It was a speech full of statistical details — harping upon small points, and of doubts as to whether measures suggested by others would answer. This was not the part to be acted by one holding the situation of the right hon. Gentleman. The right hon. Gentleman, after mentioning the various plans proposed, invariably came to the same conclusion—the right hon. Gentleman doubted whether it would succeed. The right hon. Gentleman would express no positive opinion on any subject. In the situation of the right hon. Gentleman he would tell him the country expected something more than doubts. The country expected that a positive opinion would be given by the right hon. Gentleman, but the right hon. Gentleman declined giving a positive opinion. The people expected a vigorous energetic course of action from those entrusted with the destinies of the country. But the right hon. Gentleman made excuses for the Government having failed in carrying measures calculated to improve the condition of the country, and what did his excuses come to? The right hon. Gentleman told them something of two measures, and what were they? One was a measure for the recovery of small debts, and the other was the Ecclesiastical Courts Bill. The right hon. Gentleman complained that those bills had been interfered with and interrupted, in consequence of the discussions which had taken place in that House. If those two propo-

sitions had been carried, they would have fallen very short of those measures which the country had a right to expect, but let him next say, that the excuse on which the Government rested for not passing those measures would not bear one moment's consideration. What were the facts? The only really important measure of the Government was that relating to the employment of children in factories, and the education of that class of the population. That this measure had failed was owing to no factious opposition in that House. The right hon. Gentleman pushed the point rather further than he was warranted when he affirmed that his noble Friend was prepared to assent to that measure. He thought that his noble Friend and hon. Gentlemen on the opposite side of the House acted well in avoiding a premature discussion on the measure; and it had not failed because they had endeavoured to excite public opinion against it. His noble Friend had truly said that considering the state of public opinion, her Majesty's Government had exercised a sound discretion in withdrawing the measure, and he could not help here saying that it was unfortunate such opinions prevailed on the subject, which were not creditable to either of the great parties of the State. With that public opinion he did not sympathise, because he thought that the evil of having a large portion of the poor uneducated was so great as to overbalance other considerations, and he would make a great sacrifice of his own opinions to meet that evil. He was prepared to stretch to its uttermost the principle of religion, for the purpose of having a measure that would facilitate public education. He did not think that the opinion which prevailed was creditable to the Church on the one side, or to Dissenters on the other. For that which had now taken place he was not disposed to blame her Majesty's Government; but still he could not help thinking that when they calmly looked back upon by-gone events—when they looked back to what had been done and said on this subject, and how the passions had been raised, and bigotry stimulated, when they looked back and considered these things, they could not be surprised that there should be that state of public feeling which rendered nugatory the efforts of the existing Government to improve education. Gentlemen who occupied the opposite Benches could hardly forget—the country did not forget—the



pains that had been taken to misrepresent and create a prejudice against the measures that were in contemplation by the late Government, on the great question of education. It was the party contests that were then excited that still prevailed, and the course then pursued went far to explain the existence of those unfortunate and bitter feelings on both sides, which left no other course to the Government but to abstain from legislation on the subject. But what were the other measures which the right hon. Gentleman had failed in carrying? The right hon. Gentleman was not unable to carry them from the want of a sufficient majority in that House. The excuse of the right hon. Gentleman was, that he failed from the impossibility of finding sufficient time for the discussion of various measures. The right hon. Gentleman told them that fifteen nights were occupied in questions of great importance, on which the debates had been adjourned; and then that seventeen nights had been taken up with discussions on the Irish Arms Bill. Now, with respect to the three adjourned debates. One was a motion which he had the honour to propose at an early part of the Session. Then there was a debate upon the Corn-law, and on the state of Ireland. All those adjourned debates were upon questions which he ventured to submit were questions that ought to be brought under the consideration of the House, and to which the House could not, without shrinking from its duty, refuse to give its deliberate consideration. All were questions which, considering the circumstances of the time, it was highly proper and fitting should be discussed; and not one of them occupied an unreasonable or unnecessary length of time. The right hon. Gentleman had referred to adjourned debates, but adjourned debates in former Sessions, he believed, were quite as long; and they should, in considering the greater frequency of adjourned debates now than formerly, not forget the fact referred to by the hon. Member for Salford, more than once, that formerly, when petitions were presented, there was an opportunity for raising, over and over again, incidental debates upon all subjects of great public interest, which occupied men's minds and attention. When those who then represented large constituencies naturally thought, that their sentiments should be brought under the consideration of the House, they had on such occasions the opportunity of expressing their sentiments,

and were exempted from the necessity of taking part in the great debates. The House had now, and as he thought, most wisely, put an end to debates on petitions; but the necessary consequence was, that this increased the length of the debates when they came to the consideration of the subject to which the petitions related. That accounted for the frequency of adjourned debates. He certainly was of opinion, considering it as a question of time, that the appropriation of time to public business, that the substituting of protracted debates upon measures of great public importance, was a great saving of that time, instead of its being unduly wasted upon debates caused by the presentation of petitions. Here he might observe to the right hon. Gentleman, that for many years past there never had been a Session in which Gentlemen occupying the opposition Benches had shown so remarkable a degree of forbearance to the Government to which they were opposed. He remembered when hon. Gentlemen opposite were out of office they frequently had debates upon going into committees of supply, more frequently certainly than it had happened of late. It had not occurred in more than one or two instances. Once, he confessed, he brought forward a question in that way, but that was to suit the convenience of her Majesty's Government. It was with their assent and approbation he had taken that course. He believed there was no Session in which there was so little interference with a Government as the present. In the same manner her Majesty's Government were allowed to obtain all the estimates, literally almost without discussion. No obstruction was presented to any portion of the public business. Then what was the difficulty, that the Government had experienced as to time, as compared to former Sessions? Simply the opposition offered to the passing of the Arms Bill. He spoke on this subject impartially, because he had taken no part in that opposition. He was far from approving of the conduct of her Majesty's Government in introducing that bill; but, under all the circumstances of Ireland, he was unwilling to deprive the executive Government of that power which formerly they had enjoyed, and he was unwilling to take the responsibility of refusing them those new powers which they declared to be necessary. He, therefore, took no part in the opposition to the measure, and he could, therefore, impartially

declare his opinion as to that opposition. He was bound to say, that perhaps that opposition was carried further than he would have advised, still he could not impute blame to gentlemen connected with Ireland for the course they had taken. They might, perhaps, have gone rather further than he thought necessary in their opposition. But at the same time, he thought that this opposition had been owing in great part to the conduct which the Government had pursued in regard to this question. Looking at the state of feeling in Ireland on this subject, he should have thought that the commonest prudence—the commonest forethought—on the part of her Majesty's Ministers, would have induced them to forbear from introducing unnecessarily any points which might become the grounds of debate and opposition. Indeed, the supporters of her Majesty's Government—the hon. and learned Member for the University of Dublin in particular—but he believed, one and all had said the same—all concurred in the opinion, that, under the present circumstances of Ireland, a Continuance bill would have been a far better course than the changes which they had made, and which were not worth the discussions which they had led to. But if her Majesty's Government thought otherwise—if they thought that some new power was absolutely necessary for the efficient administration of the law in Ireland—surely in that case they had, at all events, a right to take care that the bill, in its details—in its mechanical part, if he might use the term, was carefully drawn up—so well framed, and expressed so clearly as to carry into effect the object which the Government aimed at, and at the same time to satisfy all those who read it, that nothing more was demanded than was absolutely necessary. But was such the character of the bill which her Majesty's Government had introduced? So far from it, several clauses were found to be totally inadequate to the object which the Government had in view—several clauses were admitted by them to require amendment, whilst at the same time they said they were not prepared to amend them at the moment, and yet refused to postpone them. He thought, therefore, that any responsibility for the delay which had occurred in the passing of this measure rested at least equally between her Majesty's Government and those who had been most active in opposition. Yet, whatever the cause, wherever the blame rested,

such was the position of affairs that the Session was about to conclude and nothing had been accomplished. Her Majesty's Government, when they were called upon to state their views upon the condition of the country, seemed to admit that something in the way of apology was due for their having accomplished so little; but the apology which they had just heard from the right hon. Baronet, he must say, appeared to him to be altogether inadequate and unsatisfactory. He feared that the real truth was, that her Majesty's Government had not properly viewed the difficulties in which they and the country were placed. He did not wish to treat this subject in a party manner. Far from it. He thought that the dangers by which they were at present surrounded were such as ought to induce Members on both sides to consider what ought now to be done in order to put the affairs of the country in a right position, instead of occupying themselves by throwing the blame of past errors from one side to the other. But at the same time he thought it right to express his opinion, amounting indeed to conviction, that the present difficulties of the Government had been brought on in consequence of their not acting consistently upon any well-considered system of policy. Their measures, instead of all forming parts of one definite system adopted after a calm survey of the whole condition of the country, seem merely to have been adopted on the spur of the moment, to meet the difficulties of the day, which they encountered in this House or elsewhere. He could see in their conduct no traces of energy or decision which the present state of affairs rendered highly necessary. On the contrary, he could see obvious proofs, that, though they had partially adopted some great principles of polity, which, if true, ought to be acted upon to the fullest extent, they hesitated to carry them out. Though they had made some slight advance, in the way of an improved tariff, they still hesitated between the great principles of free-trade and a close monopoly. Again in the affairs of the country, they would neither stem the discontents of the people, nor make any attempt to remove the causes of those discontents. Hesitating between conflicting views and opinions, the whole conduct, both in the executive department and in the management of the business of Parliament, bore the stamp of hesitation, uncertainty, and irresolution. This appeared to him to be



the real secret of the unproductive Session which was now about to close; and he hoped, that, before Parliament again assembled, her Majesty's Government would be prepared to take a different and a bolder line of conduct; that they would look the difficulties of the country fairly in the face, without reference to particular expressed opinions either of themselves or their adversaries, unbiassed by party connections or ties, or party interests; he hoped, that, totally unfettered by considerations of this kind, they would then come forward and propose to the House such measures as might be calculated to meet the difficulties and dangers with which they were surrounded. This was what the country had a right to expect from them; and he hoped, also, that the magnitude of the pending danger would induce all persons, in the House and out of it, to concur in the opinion that such a line of conduct on the part of the Government was essential to the interests of the country.

Mr. *Hume* said, that whilst he approved in most of what had fallen from the noble Lord who had just sat down, he did not think that either the noble Lord who had opened this discussion, nor the right hon. Baronet who had replied to him, had fairly placed the subject upon its true and proper basis. He thought at the same time that the right hon. Baronet had entirely failed of stating any satisfactory reason for the total want of activity which had prevailed during the present Session. The right hon. Baronet had come into power, backed by a majority apparently sufficient to enable him to carry any measures which he might think fit to propose; indeed, the right hon. Baronet had declared that he would not hold office unless such were his position. Yet he had heard to-night, with great regret, a speech from the right hon. Baronet, in which there was not one single reason stated, which could be satisfactory to the country, however it might be to the House, for doing nothing. He could only think that the Cabinet were not of one mind, and on that account they did nothing. He had expected that the noble Lord would have called the attention of the House to what really was the great point for their consideration—namely, a comparison between the state of the country at the present time, and that in September, 1841. There was not a single interest in the country that he knew of, which was not in a worse

situation now than it was when the right hon. Baronet took office. The value of property, of every kind, was on the decline; profits decreasing, wages falling, and want of employment increasing. Judging by his own observation alone, he should say that almost every class of industry in the country was in greater difficulties than it was two years ago. He would ask any individual, who had the slightest opportunities of judging of the fact, whether such a state of circumstances ever existed in England, at any period of her history, as prevailed at the present moment? Was the complaint now what it had been in former years—a want of bullion and money? No; the complaint was no longer confined to that cause. Our capitalists had more capital than they could put to use, and the industry of the country was unemployed. The right hon. Baronet had said, on opening his career in office, that his object would be to increase the resources and application of industry. It was now for the right hon. Baronet to explain to the country why with the power of doing good, which he undoubtedly possessed, he had failed to effect any scheme of utility. On the contrary, every department of industry was in a more depressed state than when the right hon. Baronet took the affairs of the country in hand. He would refer to the cotton trade, he could refer to the woollen trade, and he would ask any Gentleman from Yorkshire, whether that trade was ever in such a state of distress. In this as in other departments of industry, labour was thrown out of employ, and the establishments themselves were not worth one-half their former value, whilst the proprietors of many of them, much to the credit of their good feeling, had actually kept them going at a positive loss, rather than turn out their hands to starve. Then what was the case with the shipping interest? He recollected the time when a Chancellor of the Exchequer never rose to describe the flourishing state of the country without pointing to the increase and prosperity of this most important feature in our commercial resources. It was remarkable that the right hon. Baronet had this evening not said one word on the subject of our shipping. The right hon. Baronet had spoken in glowing language of the power and greatness of England. But where was that greatness—where that power? He feared very much that they

were escaping from us, and that they would continue to forsake us under the auspices of such a Government as that which now presided over our destinies. The right hon. Baronet had charged the noble Lord who opened this discussion, with indulging in gloomy views of the state of affairs; but in his opinion the noble Lord had not overcharged the picture. The noble Lord had spoken of the decrease in the revenue, and what was this but an evidence of a decrease in the comforts and enjoyments of the people, and an increase of the general distress of the country? The right hon. Baronet had commenced his career of office in a very praiseworthy manner. He began by propounding views in which the large portion of the country concurred. He, for one, regretted that the right hon. Baronet had begun by applying the principle to trifling articles instead of more important ones; but the country complained that he had stopped short, and neglected to carry those principles further. And now in the present Session, instead of taking the opportunity to carry those measures which were necessary in the distressed circumstances of the country, he and his unfortunate colleagues brought in that unfortunate bill, the Irish Arms Bill, and then alleged it as an excuse for their doing nothing else. What he contended was, that want of cheap food was at the bottom of all the distresses of the country, by preventing our artizans from competing upon equal terms with those of other countries. The principles of free-trade must be applied to the general articles of consumption before we could hope for any material improvement. The right hon. Baronet had pointed to America, and said, "whilst we have been setting the example of relaxed commercial restrictions, see what the United States, by their tariff, have been doing in return." But the fact was, that at the time referred to the affairs of the United States were much in the same condition of those of this country, namely, at a dead lock. Parties were so equally balanced that neither could carry out its views; until, at last, one Gentleman who had always previously voted against the tariff, voted for it in order to put an end to this state of things. The Americans wanted us to take their corn, which was the only thing they could give us in exchange for our goods. We refused. And under these circumstances, he thought that

we had no right to accuse the United States of not acting fairly by us. All our commercial regulations seemed to be treated in the same unsatisfactory manner. With regard to the negotiation with Portugal he certainly did not think, considering all that England had done for Portugal, that we had been very well treated by her. But the fact was, England should not wait for Portugal in a matter of this kind. We ought not to keep up the duties upon Portugal wines, nor upon French spirits. We should adopt a system which should be fair to all, leaving to each country the opportunity of acting with equal fairness towards us. He hoped, sincerely, that it would not be long before the Government of this country would resolve to act upon the principle he had described, and which he considered to be the only one which would substantially relieve the growing distresses under which we laboured. As it was, the country was over-taxed; the resources of the country were diminishing; and yet we were keeping up a war establishment in a time of peace. Taxation could not be reduced, unless the expenditure was reduced in an equal proportion. The right hon. Baronet had made a good beginning towards alleviating the distress which pressed upon the industrious classes, when he brought in his income-tax, by which he had raised five millions towards the expenses of the country. He, for one, would not object, if the right hon. Baronet should propose to raise fifteen millions by that means, provided, at the same time, he took off an equivalent amount from the other taxes. What he objected to in the financial measures of the right hon. Baronet was, that whilst he proposed the income-tax, he left all the other taxes unmitigated. He did not forget the new tariff, in which, doubtlessly, many items of duty had been reduced. But, with regard to that measure, he would observe that although the right hon. Baronet had calculated that it would effect a reduction of income of about 170,000*l.*, the reduction actually effected by it, amounted to nothing like that sum. It was remarkable also that the proportion of loss to the revenue in the last year was in many cases greater upon those articles on which the duty had not been reduced, than on those on which the duty had been reduced. He objected to many of the principal duties,



both on account of the enormous amount, and the indiscriminating manner in which they were applied. The duty on tobacco amounting to 800 per cent., was so severe, that to say nothing of other grounds of complaint, it operated as an incentive to smuggling, by which the revenue was defrauded, and the honest trader injured. In the duties upon tea and wine, and some other articles, he complained that the same scale of duty was applied to the highest as the lowest qualities of those articles. Looking at all these considerations, and reflecting upon the general circumstances of the country, he was obliged to find fault with the course which her Majesty's Government had pursued. The Session was about to close; nothing had been done; and he very much feared that next year they would meet under no better circumstances. He could not forget that at the close of last year, and also at the close of the year before, the right hon. Baronet had said that they should do better next year; but it had not turned out so. If the right hon. Baronet did not feel himself able to grapple with the difficulties of the country let him retire. If, however, he was resolved to do what the state of the country required, he could do so, for none of his supporters dare say "nay" to anything he proposed, and even if they did, the right hon. Baronet might depend upon it, that he would gain more supporters from his opponents, than he would lose from amongst his followers. All he feared was, that the necessary remedies for the present distresses would be delayed till the power and resources of the country were so far undermined that it would be impossible to restore them. He earnestly entreated the Government and the House to take the matter seriously in hand before so deplorable a crisis arrived.

Sir *Benjamin Hall* rose to say a few words with respect to the allusions which had been made to the disturbances in Wales. The subject had been introduced by his noble Friend near him, who had stated that the inhabitants of that portion of the country were generally peaceful, loyal, and anxious to submit to the laws to the best of their power. It was, therefore, natural for them to suppose that when they found disturbances breaking out, as they had done, not in a manufacturing, but in a purely agricultural district, that there must be some serious evil the bottom of these outrages. The

right hon. Baronet opposite had said that they had arisen from slight causes, and he could assure him that the causes were merely local, that they were not connected with political matters, nor had they reference to any act of Government, and that they were confined to the district in which they were taking place. As the Government had sent down a commission to Wales, he hoped that they would find it necessary to inquire into the roots of the evil, with a view to remedy it, instead of taking the course which the magistrates had proposed to follow. It was with regret that he blamed the magistrates as among them were some personal friends of his own, but he believed that the magistrates were the persons most to blame in this matter, and he felt it to be his duty to state here what he believed to be the case; that great oppression had been practised by these persons towards the people, by allowing charges to be exacted which charges were illegal. And he would tell the right hon. Baronet at the head of the Government this, that some of the magistrates and trustees had been instrumental in levying tolls from the poor in a district over the roads of which their powers under the act of Parliament had expired. He stated this upon the authority of a person in whose information he had every reason to place confidence. If such were the case, he thought that persons acting thus deserved great censure. In order to show that the panegyric passed upon the Welsh by his noble Friend was not unfounded, he might state that when the outrageous doings of the Rebeccaites first began to be carried into execution, they issued a proclamation, stating that no bars or gates would be pulled down, which they in their single-mindedness or simple-mindedness, termed "Queen's gates," but that they would confine their operations to side-bars, and to those districts where they conscientiously believed that no tolls ought to be levied. What they called "Queen's bars" were the gates through which the mail coach passed, and it was not until they were afterwards informed that these were not the Queen's gates, but the gates of their enemies, as they considered them, that they determined on breaking them down. He thought that the course pursued by the magistrates was most unwise. Instead of attempting to remedy the grievances which were loudly and justly

complained of, and which were now producing great dissatisfaction in the adjoining counties, as well as those in which the peace had been at first disturbed : instead of remedying these grievances, the only course which the magistrates thought of adopting was that of the establishment of a rural police. He hoped that the commissioner who had been sent down would examine into the grievances complained of, and not aid the magistrates in carrying out a coercive policy, which would be most injurious in every point of view.

Mr. *Brotherton* agreed with the observations which had fallen from the hon. Member for Montrose. As that hon. Member had stated, the right hon. Baronet at the head of the Government must not flatter himself, from the increased demand for cotton, that the cotton trade was in a flourishing condition — that trade was really in anything but a satisfactory condition. As for the increased demand, it would be recollected that that might be partially accounted for by the fact of an enormous quantity having been burned in Liverpool. Upwards of 800,000*l.* worth of property, and 100,000 bags of cotton had been thus consumed within eight months. He was convinced that if the Government did not alter their policy, that this country would go fast to ruin. For his own part he would support any man who would carry out those doctrines of free-trade which he believed could alone sustain the commerce of the country. He called upon the Government to practise the principles which they preached. It has been always the practice and the misfortune of this country, to do right too late. He wished, therefore, that in the present instance, this practice should be departed from, and that they should do that which was right, at a right time and in a right way.

Mr. *Milner Gibson* wished to put a question to the right hon. Baronet at the head of the Government, upon a subject which he thought might properly be introduced during the present discussion, he meant our commercial relations with the Brazils. He was informed that the executive government in the Brazils possessed the power of increasing the customs' duties by decree of the emperor to the extent of 60 per cent., and he also understood that a decree had been issued by the emperor authorising the executive government to prepare a new tariff upon

the basis of a considerable increase in the import duties. He wanted to know whether the right hon. Baronet opposite had any information that such was the intention of the Brazilian government; and also to know whether the right hon. Baronet thought there was anything in the existing treaty between Brazil and this country to prevent the Brazilian government from increasing their import duties. He knew that the firm impression had been that that government could not add to the duties now payable upon our goods imported into Brazil, until the expiration of the commercial treaty; but he had lately heard doubts expressed upon the subject, and he should like to hear what were the views of Government respecting it.

*Sir Robert Peel* : My impression has always been, that until the year 1844 no such power as that alluded to can be exercised by the Brazilian government.

Mr. *Vernon Smith* wished to make a few observations upon the speech of the right hon. Baronet at the head of the Government. The right hon. Gentleman seemed to have mistaken some of the charges which his noble Friend the Member for the City of London had brought against him. In the commencement of his speech the right hon. Baronet had told them that he was not answerable for the delay which had occurred in carrying through the measures proposed by Government. Now, no such accusation, he conceived, had ever been brought against him. What his noble Friend complained of, as he conceived, was, that deficiency in the administration of business talents which had caused the right hon. Baronet to neglect to ensure the passing of his measures by consulting in their introduction the feelings of the House, at least those of his own supporters in it, and what was of even more consequence than them — the feelings of the country. At the opening of the present Session, the right hon. Baronet had put words into the Queen's mouth expressing her desire for the introduction of certain law reforms. These were not measures of a character which were likely to raise political or party feelings in the House. If the right hon. Baronet had been really wishful to pass them, he might have introduced them into the Upper House, and from thence brought them here. But he adopted no such course, and the measures



of law reform which he did bring forward, he brought forward in that House, and then allowed them to linger on until an opposition arose towards them upon the part of his own friends behind him. The Ecclesiastical Courts Bill was thrown out by the right hon. Baronet's own supporters — by Gentlemen, whose feelings towards it he should have ascertained. The County Courts Bill was still lingering on. Now, these were measures which were much wanted, and which had been brought forward over and over again in the course of his Parliamentary experience, and which had yet been always allowed to slumber again. His noble and hon. Friends near him, when they were in power, had often been told, that as the were too weak to carry their measures, their existence, as a Government was positively disadvantageous to their party, as many persons, who would have otherwise joined them, declined doing so, on account of their weakness, and joined the party of the right hon. Baronet opposite, because they thought that he would, on his accession to power, be at the head of a Government strong enough to carry through the measures which it would propose. But never, he believed, was there an instance within the memory of man of a Government so powerful in numbers as the present, sinking so fast in public estimation, as was that of the right hon. Baronet. That was a point, he believed, he might say, universally allowed; acknowledged by some with surprise, by the friends of the Government with regret, and by its enemies with rejoicing and congratulation. They had supposed, upon his accession to power, that the right hon. Baronet would not be bound by those peculiar obligations and ties which hampered a weaker Government; that he would be able, with the majority which he possessed, to back him, to triumph over the scruples and unreasonable objections of individuals of his party. But instead of bringing forward great measures for the benefit of the country, the right hon. Baronet had confined himself to passing two measures, neither of which, he was sure, the country thought were imperatively required. There was, first, the Canada Corn Bill; and he would ask, now that that measure had passed, whether the time which its discussion had taken had been profitably expended? The same observation applied to the Irish

Arms Bill: would any one affirm, that it would not have been a wiser and a more expeditious course for the Government to have taken, had they brought in a measure simply continuing the present law. By the new law, as it was modified in its progress through committee, the noble Lord opposite had confessed they hardly possessed the power which the old law would have given them. He believed that a bill introduced with greater haste and less prudence was never brought before the House; and he thought that a Government who introduced a bill of this sort, pronouncing it to be absolutely necessary for public safety and security, and yet who afterwards, gave up not only many of the details, but much of the principle involved in it, had acted in a manner most unbecoming a Government. When a measure, allowed to be severe and unconstitutional in its enactments, was brought forward, every clause and provision contained in it should be duly weighed and carefully discussed, so that they might not take one single step more severe than was absolutely necessary. How had Government acted on this point? He thought their conduct had been as blameable in yielding, as it had been at first in introducing the bill. The right hon. Baronet had said that the felt no alarm as to the energies of the country not being able to rally in the struggle to which they were now exposed. In this he quite agreed with the right hon. Baronet. What he felt alarm for was, that the energies of the administration would not prove sufficient for the crisis to which it would be exposed. Whether or not the Government was fluctuating between two opinions he knew not; but this he did know, that in the whole tone of the measures which they had introduced—in the speech made by the right hon. Baronet this night, and on the occasion of the debate on the Arms Bill—he could perceive a want of energy and decision—a want of those qualities which, after all, governed the world more than the talents so amply possessed by the right hon. Baronet. What was the state of matters now that they were about to close the labours of the Session? His noble Friend had said that he would not allude to Scinde. He thought that question was in abeyance until next Session, because the persons engaged in preparing the papers upon the subject had so delayed their production, that he defied any person

profitably to peruse them before the end of the Session. The right hon. Baronet had stated, that he did not know whether or not there were still battles to be fought, and, for his own part, he believed that it would be years before they could know, for Scinde would, probably, be a scene of warfare as long as they continued to hold it. But this was no reason why they should not be made acquainted with what had been hitherto done. At all events they should have laid before them such information as would enable them to form their own opinions upon the subject, whether they were to be favoured with those of the right hon. Baronet or not. The hon. and learned Member for Bath had, indeed, put upon the books of the House a notice of motion upon the subject. He did not know how the hon. and learned Gentleman intended to proceed, but the period of the Session for which it was fixed was so late that he supposed the right hon. Baronet opposite would make that fact an excuse for not discussing it. In the recess, they were to leave the conduct of the affairs of India to the Government, although, indeed, that was hardly the case—he wished it was the Government alone to which they were to leave it—they were to leave it in the hands of one of the most indiscreet men who had ever been trusted with such a charge. He believed, that this was the conviction of the right hon. Baronet opposite himself; and upon this point he would press upon him the vacillating and undecided nature of his policy. With a Government so powerful as his, could he be afraid to recall Lord Ellenborough? Who was he afraid of quarrelling with for not having such a man as Lord Ellenborough, Governor-General of India? He carried with him, he thought, the opinion of every sound-thinking man in this country, when he said, that the administration of the affairs in India was not safe in the hands of Lord Ellenborough. Why, then, should the right hon. Baronet be afraid of recalling him? Was he afraid of Lord Ellenborough attacking him and his Government upon his return home? Did he scruple to recall him because he had found him an unwelcome Member of his Cabinet, or because he saw that it would be impossible to unite more hot temperaments than he had to deal with already in his Ministry? If these were the considerations which animated the right hon. Baronet, all the advantages which they had

expected to gain from a strong Government were null and void. Then let them look to Ireland. He would ask, as illustrating his position of the want of energy of the present Government, what had been their conduct with respect to this important subject? He would appeal to the late debate, and beg to know from any impartial person—from any bye-stander—what he thought of the speeches of the Members of Government upon that occasion? The liberal Irish Members had upon that occasion no less distinguished themselves by their generous liberality than by their moderation. He would particularly allude to the speeches of the hon. Members for Kildare, Drogheda, and Mallow. How, then, did the right hon. Baronet opposite mean to govern Ireland? As he said and showed that he did not mean to throw himself into the arms and govern Ireland by means of a small party of ultra Orangemen, he should have paid the utmost attention and deference to the sentiments of the moderate liberal party in that country. But no such attention had been ever shown to their representations in that House. At the conclusion of the debate upon the Irish Arms Bill, they had a spirited speech from the noble Lord the Secretary for the Colonies. In that speech the noble Lord had stated that, as had been said by the hon. Member for Kildare, one of the greatest grievances of which the Irish had to complain was the relation subsisting in that country between landlord and tenant. And the noble Lord went on to say, that if that subject had been brought forward early in the Session, and if a committee had been asked for to inquire into it, he, for one, would have been inclined to assent to the appointment of that committee. Was that language fit to be held by an administration governing Ireland at a great crisis? Why, if this question of landlord and tenant was the great question of Ireland, it was surely still not too late to consider it—no day was too hot, or no Session too long, but that they should have immediately entered upon its discussion; and yet the noble Lord said, that if we had thought of this subject, or if anybody else had thought of it at an earlier period, we would have discussed it. In the same manner, any other measure which could be considered useful or advantageous, had been delayed. The amended Poor-law, for instance, which the right hon. Baronet, the Secretary of



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State for the Home Department, had promised to bring forward. He himself had advocated that law, but he saw many things in its management that might be improved—many modifications and corrections which might be made. At the close of the last Session, the right hon. Baronet at the head of the Home Department, when he withdrew a great portion of the bill, said that he would introduce a fresh one during this Session, and this had not been done. Early in February, the right hon. Baronet said that he could not promise to introduce this bill within a fortnight. He had kept his promise, but the fortnight had now been protracted over six months. In like manner had all measures of useful legislation been postponed, and the country had derived no advantage from the doings of a strong Government. Indeed, the country at this moment appeared to be placed in this situation, that having insisted upon retaining the right hon. Baronet and his Colleagues, it was in the position of a man who had played his last card, and which had not come up trumps. They could find no one to take the right hon. Baronet's place, and therefore all they could do was to implore the right hon. Baronet and his Colleagues to remain, and work out their own principles. As matters now stood, he thought that the business of the House was becoming so multiplied, that if the right hon. Baronet opposite went on in the course which he had been lately pursuing, he would shortly find that he could not pass any measures unless they could change the forms of the House, and enable them in a succeeding Session to continue measures which had been passed up to a certain stage in the Session before. Unless the right hon. Baronet determined to take that step, or to apply himself in the recess to consider some measures for expediting and promoting the progress of business, he did not see how they were to carry on legislation in that House henceforward.

Mr. E. B. Roche said, that he had not intended to take any part in the debate; but from the speeches of the right hon. Baronet and the noble Lord, he felt bound to do what in him lay to extricate from the degrading and injurious consequences of a mere party *melée*, a cause which had been stamped as genuine by the concurrence and union of an entire nation. It was pretty clear that he alluded to the le-

gislative independence of Ireland. He must protest, as one committed to that question, and as one enjoying to some extent the confidence of the Irish people, against Ireland and the Irish question being drawn into mere party dissensions in that House. The people of Ireland did not care one pin about the differences between Whig and Tory. They looked mutely on whilst they in that House were differing upon party questions. The right hon. Baronet at the head of the Government complained that the Government business had been greatly obstructed by the Irish Members in their opposition to the Irish Arms Bill. He, for one, had no part in the opposition to that bill, but he must be allowed to ask the right hon. Baronet why, when he saw that the whole of the Irish Liberal Members, representing as they did the immense majority of the people of that country, more united in their opposition to this measure, he would ask why had he not come forward and withdrawn it? Why force on the country a measure inimical to the feelings of the mass of the community? Why rouse the passions of a people on account of a bill pronounced useless by all sides for the prevention of crime? A bill which, as it had been well said, disarmed the innocent and left the guilty to act with perfect impunity. A bill which was unsupported by a single rational argument on the part of its authors. Why were they not satisfied with passing what was called a Continuance Bill? Heaven knew the Whig Arms Bill was bad enough, and ought to have satisfied the Government. He wished here to allude to a remark which was made by the noble Lord who introduced this subject, as to the legality or illegality of the meetings in Ireland. He must admit that the noble Lord had a right to his opinion; but that noble Lord must be conscious when he came down with all the authority of a leader of the Opposition, and pronounced those meetings illegal, his opinion carried with it much force. How was the question to be decided, whether they were illegal or not? None of the responsible members of the Crown said they were illegal. The legal advisers of the Crown gave no opinion on the subject, though now and then, in the heat of debate, the word "rebellion" was applied to those who attended such meetings; and in another place they were talked of as traitors. Had the Govern-

ment, however, pronounced them in a formal manner illegal, they could not stop there, but must take measures for their suppression. But he must say it struck him as rather strange, that the leader of the Whigs should throw the weight of his influence into the scale, and give a sort of gentle hint that the Government ought to go on and declare the meetings in Ireland illegal. But, whether illegal or legal, he knew not to what meetings that took place in our history they might be compared. In later times there were none that he could compare them to, either in point of numbers, or of united feeling, except some great meetings on the Reform Bill. He recollected there was a great meeting at Birmingham, an immense aggregate assembly; and the language used there was quite as strong (in the vocabulary of the noble Lord, strong meant violent) as that of the meetings of the Repealers. Now he believed the noble Lord was in power at that time. But he wished to know whether the noble Lord, acting under the responsibilities of Government—which he supposed was as strong as those of opposition—stigmatised that meeting as illegal? Not a bit of it. Why? Was it because the meeting was composed of Englishmen?—or was it because it emanated from that strong agitation which had put the noble Lord into office, and which kept him there? Now let this be perfectly understood by that House, and by the people of England: “We Repealers don’t wish to be mixed up with your party squabbles. You, the Whigs, don’t possess the confidence or sympathy of the Irish people, for you have forfeited them. And you, the Tories, don’t enjoy them, for you never possessed them.” He had always remarked a certain self-sufficiency about the Whigs on Irish measures, which circumstances did not warrant. There was nothing in Whig administration which made the Irish people anticipate any advantage from their return to power. Let them look back. What recollections did Whig government call up? The Irish people could never forget the Coercion Bill. It was to such measures the Whig Government resorted when they had 400 Members at their command in that House, and it was not until such proposals caused dissension among their ranks, and their immense majority began to dwindle, that they thought of the grievances of the Irish people. They talked about the Church,

and they rested the question on the appropriation clause. Their majority, which was then small, became still smaller, and they ended by entering into a disgraceful compromise with their opponents. Therefore let the Whigs be sure of this—that there was nothing particularly pleasing in Whig government to the people of Ireland; and if they wished to win the affections of that people, they must undo much that they had done, and be prepared to do much more than they ever proposed. We were in this position—the right hon. Baronet at the head of the Government spoke in reply as if it were intended to do nothing for Ireland. Now he thought the right hon. Baronet quite right if, by “doing nothing,” he meant not using his large military force, or resorting to strong measures of coercion. But if by doing nothing the right hon. Baronet meant pursuing a negative course, and waiting on the bank until the stream flowed by, he thought the right hon. Gentleman was wrong. He supposed the right hon. Gentleman fancied that because he had military possession of the country, the agitation of the repeal question would subside. Depend on it this was a great mistake. A noble Duke, in alluding to the question of repeal, said in another place, “We are prepared.” He was a very humble leader in the agitation; he would, however say, on the part of the Repealers of Ireland, “We also are prepared.” If a deaf ear were turned to their grievances, which had been stated many a time and oft, and always treated with a studied neglect; if their meetings were suppressed by brute force (which he certainly did not anticipate after the speech of the right hon. Gentleman at the head of the Government), the leaders of the Irish people, backed by the united opinions and sympathy of that people, acting within the bounds of the constitution, and only using the rights thereby guaranteed, would place England in such a state of political and financial embarrassment that she would be obliged to yield, not to force, but to the distress of the country, what for years each party in that House had refused to grant to the humble and suppliant petitions of the people.

Lord J. Russell: I beg to say a word in explanation. I did not say that the meetings generally were illegal. I stated that after consulting with some friends of mine (and many of them very learned



lawyers), some of those meetings were, in my estimation illegal. The hon. Gentleman says that he finds fault with that declaration; but I think I am fully entitled to give such an opinion. Perhaps the House will allow me also to say a word with respect to the appropriation clause. The hon. Gentleman says that the late Government "entered into a disgraceful compromise." Now, I beg to say that the late Government entered into no compromise, disgraceful or otherwise. They took the course they thought it their duty to pursue, without entering into any compromise with their opponents or any other persons.

Mr. *Williams* said, he rose to offer a few observations on the state of Wales, in which he felt deeply interested, connected as he was by property with that part of the country. If the Government only conducted a conciliatory course towards the people of that part of the country, if they acted as any just man would say, they ought—he was sure there would be no difficulty in restoring tranquillity. The Government had taken a wise course in sending a commissioner to investigate the grievances of the people, though he thought it would be better if the gentlemen were not connected with the police. If the people had any confidence in the representative of Government he was sure they would openly and frankly state their grievances; and, from all he had heard, he was convinced that the people would be satisfied to abide by any decision of the right hon. Baronet the Secretary for the Home Department, if founded on sufficiently impartial information. There was no more peaceable and religious people than the Welsh. When the country was invaded by the French at Fismard, the Welsh instantly took up arms in defence of their Sovereign. He was sorry to see that the right hon. Gentleman (Sir James Graham) thought it a laughing matter that so loyal a people should be driven to outrage.

Sir *J. Graham*: I beg the hon. Gentleman's pardon. I could not exhibit so improper a feeling as to laugh at such statements as the hon. Gentleman made. It was the remark of an hon. Member behind me that occasioned the interruption.

Mr. *Williams* continued. He understood that twelve prisoners were taken up at Carmarthen. He hoped that they

would be tried in their own county. If they were brought from it and punished they could not put down the movement without a military force in every village and in every farmhouse. The people of Wales were incensed against those whom they conceived to be their persecutors; but he was sure if their grievances were redressed they would resume their usually peaceful habits.

Viscount *Palmerston*: I wish, Sir, before this discussion closes, to make a few observations on the speech of the right hon. Baronet at the head of the Government. That right hon. Gentleman began by complaining of the course pursued by my noble Friend, and he made the same complaint with regard to him that he urged with respect to me on a former occasion, namely, that my noble Friend, if he found fault with the conduct of the Government ought not have contented himself with making a speech explaining the reasons for condemning their conduct, but was bound to come to an issue, and propose a vote of want of confidence. The right hon. Baronet stated that no doubt my noble Friend was deterred from pursuing that course, from an opinion that I had pronounced in a former debate, that if the present Government were inclined to resign power, the opinion of the country was such as to induce them to resume it. I did undoubtedly express such an opinion on one evening; but the right hon. Baronet very conveniently for his argument, but I must say very unjustly towards me, neglected to add that I afterwards retracted that opinion; that I said I had grown wiser by the experience of the intervening month—that I cautioned the hon. Gentleman opposite against acting precipitately on that opinion, and that I warned them that I at least should not be responsible for the consequences if they did. But I must say, the argument of the right hon. Baronet is wholly inconsistent with the course of proceeding in this House and with the nature of our debates. It is very convenient no doubt for the right hon. Baronet, having such a majority as he has, to propound the opinion that the minority should not express any dissatisfaction at the conduct of the Government unless they are prepared to come to a vote which the Government know full well will be rejected by a majority, of which they have an arithmetical account. It is very well

for the Government so circumstanced to hold that doctrine, but the Opposition are as well entitled, knowing they are small in numbers but believing they are strong in argument, to avail themselves of that in which they are strong, namely, debate; and not to accept the invitation of their opponents, and meet them on such a ground of decision that their adversaries are sure to be the predominant party. I must, at the same time, admit that the experience of the Session tempts us to follow the course of debate instead of that of division, because though everybody who has impartially viewed the composition of the two sides—those who sit here and those who sit there—must be convinced that we were far superior in powers of debate; no man, I think, could have expected that the preponderance on our side and the inferiority on theirs could have been so strongly manifested as it has been in the course of this Session. Why, Sir, the complaint of the right hon. Baronet is, that our superiority in debate prevented the Government from carrying through the measures they proposed for the benefit of the country. It is to the debate the right hon. Gentleman refers as the cause why such a little progress has been made in the course of legislation. But that complaint is not confined to the right hon. Gentleman. I have heard that in the course of this evening the conduct of this House had been arraigned in another place, for having by a prolongation of debates, impeded the progress of the public business. I must say that a more unfounded complaint never fell from the lips of any man. The right hon. Gentleman says that there has been too much speaking—that we found too much fault with the measures which were proposed. I say that is a tyrannical and overbearing complaint. It was said by a very witty writer that there was no tyranny so great as that of one who eminently ridiculous himself, should complain of others laughing at him; and in the same way, when the Government bring in measures so ill-defined, so ill-framed, so useless for the purposes for which they were intended, that every clause, and every word of a clause, are open to a criticism. I say it is a tyrannical pretension to find fault with those opposed to them, if they dissent any measures so introduced. Therefore, in regard to the Irish Arms Bill, I say the complaint is totally unjust. If

there has been any delay in regard to it, that is the fault of the executive Government in pressing forward a measure which was not supported by the authority even of their own supporters. Without any necessity whatever, and against the wishes of their principal friends and supporters in Ireland, they have chosen to bring in a new and extended measure, embodying various fresh clauses instead of confining themselves to a simple Continuance Bill. I say, then, it is not owing to the debates in this House that more progress has not been made in legislation. In the first place I should like to know, when told of the frequent adjourned debates, what number of days there were on which this House did not meet for a non-attendance, which the Government might have avoided if they chose, and also the number of days on which the House adjourned at a very early hour. I hold in my hand a list of the days in every month at which the House adjourned at a very early hour, and in which, therefore, the Government measures, (if they had any, which was not the case), might have been pushed on, instead of being postponed to that period of the season when there was no hope of passing any bill. I find in March “No House;” “no House;” “adjourned at a quarter after eight;” “no House.” In April I find “Adjourned at five o’clock;” “at nine;” “at seven;” “at seven;” “no House.” In June, “Adjourned at eight;” “adjourned at eight;” “no House;” “adjourned at seven.” Here in every month there were a number of evenings on which there was either no House, or on which the business was concluded very early; and the Government threw away that time which they might have applied in urging forward their measures. But not only do I contend that the length of the debates was perfectly justified, but I am persuaded that on the scanty account which the Government will have to give of the failure of some most important measures, they must admit that the failure was not owing to the discussions in this House, but to opposition out of it by the classes in the country who are affected by them; and I do say, that if Government cannot frame measures on public matters to meet the assent of the great masses in the country affected by them, they have no right to attribute to our debates the deficiency of those measures which it was their duty to submit



in as perfect a shape as they could. Take the great measure relating to education—a most important measure, and one which I deeply regret should have been prevented, by any circumstances, from being passed into a law in the course of the present Session. But was the failure of that measure owing to the prolongation of the debates in this House? No; it was owing to the strong resistance and opposition with which it was met by many classes of the community; and so unable does the Government appear to have been to form an estimate of the feelings of these large bodies of persons on the subject of the bill, that after having postponed the measure, and, as they imagined, relieved it from all objectionable clauses, they found their amended bill was objected to almost as strongly as the original bill, and in consequence of its imperfections they have been compelled to abandon this important measure. Then, what had been the case with respect to the Ecclesiastical Courts Bill—a measure which, together with the County Courts Bill, was specifically announced in the Speech from the Throne at the commencement of the last Session of Parliament? What has become of those measures? Is it in consequence of any prolonged or vexatious debates in this House that those measures have not been carried? It arises from this circumstance—that the Government is unable to frame measures which are acceptable to the country. It was resistance out of the House—not opposition in the House—which induced the postponement of those measures—measures which the Government thought of so much importance that they were mentioned in the Speech from the Throne last year. I say, then, that it is unfair to charge hon. Gentlemen on this side of the House, who have only discharged their duty, with impeding the progress of these measures, which the Government, although they admit their importance, have shown their inability to carry into law. Then, have her Majesty's Ministers resorted to all the means they had at their command for accelerating the despatch of public business? Why were not the Ecclesiastical Courts Bill and the County Courts Bill introduced, in the first instance, into the House of Lords? That course might, I think, have been adopted most advantageously. The House of Lords, at an early period of the Session, have little to do. Have they

sent us down any measure of great importance? There is, it is true, a measure come down to us, which I cannot help thinking was brought in somewhat after its time. I am alluding to the Scotch Church Bill—a bill for healing divisions pronounced to be beyond cure, and retaining in the Church those who do not mean to leave it. The House of Lords sent us down twelve or thirteen bills, but when I come to look at the subjects of them, I cannot say they are sufficient to occupy the attention of that learned House for four or five months. There is the Law of Evidence Bill, the Attorneys and Solicitors Bill, the Copyhold and Customs Bill, the Queen's Bench Prison Bill. There is another called the Appeal to the Privy Council Bill, which contains a clause which the Government, being totally unable to maintain, the right hon. Baronet got rid of the subject with his usual dexterity, throwing over on a committee the responsibility of rejecting a clause resisted by a Member of the Government elsewhere. There are other bills, the Apprehension of Offenders Bill, and the Limitation of Actions Bill, and the Moveable Bill, which, as connected with the schism in the Scotch Church may have something to do with those ministers removed from it. These bills are all of them measures of value, but I cannot say that they are of sufficient weight to have occupied the House of Lords exclusively during the early period of the Session. Nor do they afford a sufficient reason why the House of Lords might not have been occupied in the earlier part of the Session, in relieving this House from some portion of that business which, in consequence of the protracted debates in this House, the Government were unable to get through here. The excuse for having done so little in this House, founded upon the multitude of speeches which have been delivered, and the lengthened debates which have occurred, is one which I think the country will not be disposed to accept. The right hon. Baronet opposite, in going through the speech of my noble Friend, defended himself against the charge of not having improved the financial position of the country since he has succeeded to office. It will be remembered that one of the great charges which the present Government made against us, when they were in opposition, was founded upon our financial deficiency. They held it to be

quite impossible that any Government, feeling the responsibility of its duties, could carry on the affairs of the country, and yet allow such a deficiency to exist. We had a deficiency no doubt; very sorry for it we were. It was stated by the hon. Gentleman opposite, then in opposition, that that deficiency arose from the extensive operations we were carrying on in China and in India, and from the necessity of maintaining a large force in Canada. That was their allegation; and I beg that the House will bear it in remembrance. They said,—"You carry on these wars in every part of the world with a peace establishment. No wonder you have a deficiency." But what is the state of affairs under the management of the present Government? Those wars have ceased. The Chinese war has been crowned with complete success, notwithstanding all the predictions of hon. Gentlemen opposite. When they were telling us that no man could foresee the termination of the war, our plenipotentiary was—about that very time—dictating the terms of a satisfactory peace. That war has ceased; but is this all? It has brought you (addressing Ministers) a good round sum of money. You have got from China about 1,000,000*l.* sterling during the year, ending in April last, as the result of that war, and therefore, as far as the Chinese war is concerned, though there might be a deficiency while we were in office, such is not the case with you. It is admitted, that the war in India is not an element to be taken into consideration, because it involves no charge upon the revenues of this country; and it is only in the event of the East India Company raising a loan, and calling upon the Government to guarantee it, that this war can affect the national finances. In Canada, also, there is no longer any necessity for the retention of the numerous forces which were maintained in that colony when we quitted office; but still her Majesty's present Ministers find a deficiency—a deficiency, I believe, rather greater than that which existed when we left office. I believe the deficiency is 200,000*l.* more. I won't dispute about trifles, for the deficiency is admitted. But her Majesty's present advisers have got the 1,000,000*l.* of money from China, which we had not, and they have also got their income-tax which we had not; and, therefore, adding

to their deficiency the money received from China on the one hand, and the produce of the income-tax on the other, the deficiency upon the revenue is too appalling for me to mention. If, then, it is the duty of a Government to provide that its revenue shall be equal to its expenditure, the present Administration must admit that, owing either to their fault or misfortune, they have not discharged that duty. "But," says the right hon. Baronet, "this is attributable to the commercial embarrassments of the country, and those commercial embarrassments are owing to the hostile tariffs adopted by other states." Now, what was it that led to the termination of our political existence? Was it not the proposal of measures which, in our opinion—and I think by the general acknowledgment of men of all parties in the country—were calculated to extend our commerce, and to relieve us from those financial difficulties in which we are now involved? If the present Government had adopted the measures we proposed with respect to the articles of corn, and sugar, and timber, my belief is, that instead of a diminished, they would have had a progressively increasing revenue. But when hon. Gentlemen opposite assert, that the tariffs adopted by other states, have occasioned the distress in which our commerce is involved, I must beg to ask them, "Who caused the adoption of those tariffs?" The right hon. Baronet has mentioned the tariff of the United States, but he has forgotten five or six other tariffs which, since his Government came into power, have been rendered more unfavourable than they before were to British commerce. Was it not natural that, when foreigners saw coming into power a party who support the principle of domestic protection, whose war-cry as a party has almost invariably been "prohibition," and who turned out their predecessors specifically upon the ground that they wished to break down the monopolies of the country—was it surprising, under such circumstances, that foreign Governments should raise the amount of their duties upon British commodities? I think it was most natural that they should pursue that course; and if, therefore, the commerce of this country has suffered to a greater extent during the administration of hon. Gentlemen opposite than it did during the time we held office, from the augmentation of the duties imposed by foreign



states upon our manufactures, the fault lies with the party, and in the language used, and the doctrines maintained by the party by whom the right hon. Gentlemen were borne into office. It is very true, as has been said by the right hon. Baronet, that it is expedient that these commercial treaties with foreign countries should be founded on a mutual adjustment of, or engagement to adjust, the tariffs of both countries. We tried to negotiate arrangements of this nature with France, and with one or two other powers—and we succeeded in effecting such an arrangement with Austria. These arrangements are undoubtedly attended with great advantages; but the negotiation of such arrangements ought not to be continued beyond a certain time, because the public knowledge that such arrangements are in progress, tends to paralyse those branches of commerce to which the tariffs under discussion particularly relate. I must confess, I think it was not very discreet on the part of the Government to announce, in the Speech from the Throne at the commencement of the last Session, that they were engaged in negotiations with several powers, with the view to effect an alteration of the tariffs, for that announcement excited expectations which, unhappily, have not been realized. At the same time, I have no doubt that, when the Government made this announcement, they thought nothing was so easy as to obtain anything they asked from any foreign power. I have no doubt they entertained a notion that a few civil phrases in this House, and a few conciliatory messages to the sovereigns and representatives of the countries with which they were desirous of negotiating would lead to any concession for which they might ask; and they imagined it was merely owing to the clumsy and awkward management of their predecessors that such arrangements had not been concluded before. But the experience of the two years during which they have held office, has shown them—as the right hon. Baronet has frankly stated to-night—that in commercial treaties there are two parties to the bargain, and that local prejudices and trifling differences frequently prevent arrangements which might be beneficial to both parties. I therefore must say, that I consider her Majesty's present advisers answerable, to a great extent, for that portion of the commercial

distress of this country which arises from the hostile tariffs adopted by other powers. So much has been said upon the internal state of this country, and especially upon that most important subject, the state of Ireland, that I will confine what I have to say on that point to one remark, which fell from the right hon. Baronet opposite. He touched upon the dismissal of the magistrates for having attended repeal meetings, and defended the course which the Government have adopted. Now I must confess that I have never heard any defence (I do not allude particularly to the speech of the right hon. Baronet to-night, but to the defence which has been put forward by the Government on every occasion on which this question has been mooted)—I never heard a defence which I thought more entirely destitute of a solid and just foundation. It has been said, “the object of repeal was one to which the Government had declared their opposition—one which had been discountenanced by the principal Members on both sides of the House; and the Government were, therefore, justified in withdrawing their confidence from any official personage who might sanction the repeal agitation.” It has been argued in another place, “How could we allow individuals to remain in the commission of the peace who had attended meetings which might lead to illegal acts, and who might be called upon as magistrates to suppress those movements of which they had themselves been the promoters?” I will admit the possibility of the result; but I deny the logic of the argument. I hold, first, that if an object is legal, one which may be accomplished by a law which Parliament can consider and debate upon, and may carry into effect if it will, it is an unsound doctrine that the advocacy of such an object is a crime in a magistrate, merely because the executive Government may entertain a different opinion, and think that such a measure, if carried, would be destructive even to the existence of the empire. A magistrate is entitled to entertain his own individual opinion; and if he does not express that opinion in a manner inconsistent with the law, it is an abuse to deprive him of his commission merely because he advocates a certain object. But it is said, “This magistrate might have been called upon in the performance of his duty to suppress illegal acts, which

had arisen from the proceedings at these repeal meetings." But the Lord Chancellor of Ireland himself asserts that these meetings are not illegal. My noble Friend has quoted several legal opinions, in which doubt is expressed as to whether some of these meetings are not open to legal objections; but the Lord Chancellor of Ireland says he does not admit them to be illegal. There was, then, no ground for interference with the magistrates who have been dismissed, so far as these meetings were concerned. If illegal meetings had taken place and the magistrates had not done their duty in respect of them, I say then would have been the time to have dismissed them; then would have been the time to have withdrawn from such magistrates the confidence of the Crown; and if those magistrates had then been dismissed, the Government would have had with them the opinion of every thinking man in the country, and not even those who had been visited by the displeasure of the Government would have had a pretence for saying that they had suffered any injustice. I say, then, it was an unwise and impolitic exercise of the power of Government to dismiss these magistrates, without waiting for a fit opportunity for doing it. But, passing this topic, if we look to the situation of the country and compare it with what it was when the present Government acceded to power, I think there is much ground for regret and uneasiness, and no ground for triumph or congratulation on the part of the Government; and though they no doubt will still have a majority of votes in this House, yet I think it very probable, that at no distant period that majority may have intimations which may somewhat abate the triumph of the Government in their divisions in this House; and if another year should pass as this has done, having for its results to exhibit to the country the want of those qualities in the Government which the time requires, and so much debate should again take place as to have the effect of retarding and defeating their measures, we on this side of the House may not be so unable by that time to cope with them in the lobby as we hitherto have been. Sir, I will not advert to the unfortunate disturbances in Wales, as it seems they are to be the subject of inquiry on the part of the Government. I will not talk of the nature of the schism which has arisen in Scotland. I will not

say whether that is a result which the Government could or could not have avoided; but I will refer to the mutual feelings of jealousy which, in consequence of their management, have grown up between different sects in this country. There is also the striking fact of the Dissenters and the Church feeling a distrust of one another, and an hostility which did not exist two years ago. The Government may say they are unfortunate in these respects, but we all know the words of the Latin poet who tells us that fortune has no existence except from want of prudence on the part of man. So much, Sir, for the state of this country. Now a word or two on the foreign relations of the country. When we left power, and the Gentlemen opposite succeeded us, it was in every man's mouth, "What is England going to do?" and for the answer to that question they looked to London and to Downing-street; but now in every part of Europe, when any person asks, "What is England going to do?" the answer is, "We cannot exactly tell; but if you ask in Paris or St. Petersburg or Vienna, I have no doubt you will immediately learn." Sir, the fact is, in foreign as in domestic affairs, the Government do nothing of their own. The only principle they act upon there, is, the one which they ought to adopt at home, namely, that of concession. Sir, a wise Government in its home policy considers the reasonable wants of the people; in its foreign policy, it is prepared to resist the unjust demands and the unreasonable views of foreign powers. The present Government inverts this method; it is all resistance at home, all concession abroad. Sir, my noble Friend (Lord J. Russell) adverted to one point relative to the affairs of Scinde, but the right hon. Baronet, with his usual dexterity in Parliamentary fencing, parried the thrust, and replied by adverting to something totally inapplicable. The complaint of my noble Friend was, that there was a war going on in Scinde of which we have had knowledge for some months, and yet the Government have not yet told Parliament whether they think the war just or unjust, whether they are prepared to sanction or repudiate the conduct of their Governor-general in relation to it. That was the complaint of my noble Friend. My noble Friend did not say what they should have done, he spoke of what the Government had done; but the right hon. Baronet, by way of answer



said, "You could not expect the papers sooner, they will be ready by Monday. Still, our instructions cannot be produced; we cannot tell what is going to be done." But, Sir, my noble Friend did not ask to be told what was going to be done; his complaint was, as to what had been done, he asked whether the Government were of opinion that the steps taken with regard to the Ameers were just or unjust? To that question no answer has been given; no answer will be given. Instead of an answer we are to have a large blue-book; and by the time, perhaps, that the most assiduous Member of the House, my hon. Friend the Member for Montrose himself—by the time when even his unlimited industry has got through the book, the Usher of the Black Rod will summon us to the other House to attend the prorogation. There can be no time this Session to enter upon the subject. But the right hon. Baronet took ground on our conduct in similar circumstances, when we were in office. Sir, I think our conduct was not such as bears the right hon. Gentleman out. Of all the Governments that have ruled this country for a long time, we were the most ready to impart diplomatic information. Why, we were even taunted with the volumes which we produced. What did we do in the case of Afghanistan? Important events took place there in the latter end of 1838. In March, 1839, as early as possible we laid on the Table full information on the subject. We did not say, "We cannot tell whether we approve or not of what has been done." We did not found our approbation of the proceedings of our Governor-general on the fact whether he was successful or not. We fairly told the House and the country our opinion, and we laid on the Table the whole of the papers connected with the subject. Are we to be told next Monday by the right hon. Baronet, "We approve of the policy of Lord Ellenborough in regard to Scinde—here are the papers relative to that policy?" If that turns out to be the case, of course my objection falls to the ground; but if the right hon. Baronet does not make such a statement, but only produces the papers, and says that next year he will tell us all about it, I think that he will not be discharging the duty which every Government owes to the Parliament of Great Britain. I think that Parliament has a right to know before the Session is

over what are the views of her Majesty's Government relative to this matter, and whether this unfortunate proceeding of the Governor-general with regard to Scinde has or has not the approbation of that Government? Sir, I have not any information; the Government has; I think they are bound to give their information to the House. Sir, with regard to Scinde, there is one most important point, most important because the policy that has been adopted was condemned by the Governor-general when he attacked our course of policy—most important because it must be in every one's recollection, that this very Governor-general declared some time ago, that the natural boundary of our Indian empire was the Sutlej, and yet he next month is anxious to annex to our territories a country even beyond the Indus—most important because it is remarkable that the Governor-general, who condemned the measures which were undertaken by us against a danger which was known to all the world, and not for the purpose of permanently annexing any territory to England, but only with a view of placing our Indian possessions in a position of safety—I mean the measures with respect to Affghanistan—because it is most remarkable, I say, that the Governor-general, who condemned that policy, should proceed to annex permanently to the British dominions in India a territory which, up to that time, had belonged to a people who were our friends. I do not say whether there may be, or may not be, reasons for Lord Ellenborough's conduct, but I do say, that such conduct is remarkable on the part of an individual who condemned us on those grounds, and I think an explanation of it is due to the House. Sir, in other parts of the world the position of affairs is not very consolatory to those who think it is the duty of a Government to pay attention to the interests of their country. With regard to Turkey, if I can find an opportunity, I intend to bring that question before the House, and shall endeavour to elicit some expression of opinion from the Government; but as at present advised it appears to me that whereas we induced Russia by our representations to forego all claim to interfere in the concerns of the Turkish empire, recent events seem to show that an interference on the part of Russia has taken place in the internal affairs of Turkey, which it remains

to be proved is founded on just grounds. Sir, the independence of Turkey is one point which, with reference to the balance of power in Europe, it is necessary for a Government of this country to watch over. Sir, the independence of Spain too is of great importance to the political and commercial relations of this country. We there had laid the foundations of national independence; we had placed that independence on real foundations. What has lately taken place in that country? I only judge by those means of information which are open to all; therefore, I will not state what I think will be the consequences; but I think I may say that a military revolution has taken place in Spain, directed to the subversion of the Regent, who had been constitutionally appointed by the Cortes of Spain. Sir, all Europe believe that revolution to have been brought about by instigations and money coming from Paris. This at any rate is not concealed by the French newspapers—that when the account came of the recent events, the Minister for Foreign Affairs rushed to the palace of Queen Christina to congratulate her on the triumph which she and France had obtained. We were told also how a French prince attended on that occasion, and with the utmost affability conversed in Spanish with those about him! Hon. Gentlemen opposite will tell us whether we are to see a French prince seated on the Spanish throne, and whether that which has been the policy of England for centuries shall be destroyed by the measures which have been allowed to be taken by the supineness and want of energy and decision of the British Government? Sir, this is a most important consideration. I am aware, and I admit, that the Government have always professed all that every Englishman would feel on such an occasion. I do not doubt their sincerity; I doubt their capacity to carry out what they wish. The right hon. Baronet said the other day, that if the regent were forced to abdicate he would abdicate surrounded by the good wishes of good men, and comforted by the approval of his own conscience. Now, Sir, these may be civil expressions, but expressions of that sort do not direct or guide great affairs. Sir, the right hon. Baronet drew a comparison between the financial state of the country when he acceded to office and the position in

which it now stands. Sir, I confess I thought that comparison somewhat bold. Nevertheless, I thought he did not appear to follow it out into all the details of which it is susceptible. He may say, that finding a financial deficiency after two years, he had succeeded in somewhat increasing it; he may say, that finding monopolies in existence, which had the effect of obstructing financial improvements, he found also measures which had been offered by us to Parliament, and which tended to remove those obstructions; and that after two years, though he himself has laid down principles which would go far to accomplish what we asked for, if carried out fairly, he has succeeded in effectually obstructing the progress of those principles; he may say that he found Ireland perfectly tranquil—not, indeed, placing unlimited confidence in the late Government, if we are to take the hon. Member for Cork (Mr. E. B. Roche) as the exponent of the feelings of the people, but appearing at least to be tranquil; and that, whatever might be the inward dissatisfaction, the country was really tranquil. What is its state now it is not for me to say—it is an unfortunate topic. The right hon. Baronet may also say that when he came into power he found a general unanimity—all classes combined—to promote education, but that he has now succeeded in raising a flame of jealousy between the sects which seems to render any combination for the purpose of education almost hopeless. He found the principality of Wales in tranquillity—I hope he will restore it to tranquillity. He found, he says, a great disaster in Afghanistan, and when my noble Friend spoke of our foreign affairs, he forgot (the right hon. Baronet said) Afghanistan and the greatest disaster that had ever befallen the British arms. But, Sir, the right hon. Baronet forgets that that disaster was confined to Cabul, and that our force at Candahar was not touched. I think, if I am not mistaken, I have read that the general who commanded at Candahar said he would have undertaken to restore affairs at Cabul if he had been permitted to march thither. Let it be admitted, then, that we sustained a great disaster in a part of Afghanistan, but I say that the result showed that our Governor-general had made the preparations which retrieved that disaster; and I think I may say without reflecting on those that are gone,



that if Sir Robert Sale, or General Pollock, or General England, or General Nott, or Sir C. Napier, had been at Cabul when the disturbances broke out, that disaster would not have happened. Sir, I will not admit that that incident does show that the general system of our policy in regard to that great undertaking has been attended with failures, but the right hon. Baronet might have said that whereas we were triumphant in arms in that country, he withdrew from it, leaving it, as the Governor-general expressed himself, to the punishment of its own anarchy. Now I do not exactly know what right the Governor-general had to leave a country to the punishment of an anarchy of his own creating, but he at least, with whatever right, has annexed to the British dominions a very considerable territory belonging to parties who were heretofore our allies. The right hon. Baronet says that he has concluded a treaty with the United States, which has got rid of all the questions at issue, and which will lead to a permanent good feeling and good understanding between the two countries. Why, to be sure, when you are prepared to give up all, or very nearly all, for which you have been contending, it is very easy to come to a conclusion and arrange a treaty, but how far the good feeling which he talks of has been secured, that tariff, to which he alluded, may in some measure be taken as the exponent. The right hon. Baronet says the Government has substituted a good understanding with France for the irritation that existed when we retired. Undoubtedly there was a temporary irritation, arising from our having carried into effect measures which we thought essential in order to prevent the existence of an undue and possibly hostile influence of France in Syria and Egypt. The right hon. Baronet has certainly allayed that irritation by surrendering to France every British interest in Spain. Sir, I say the present Government are chargeable for what has happened there. They began, in the first place, by counselling the Regent to submit to the undue pretensions of France, on the occasion of the mission of Count Salvandy. He assumed the right to pass the Regent by, to hold direct communication with the Queen, to deliver to her letters unread by the Regent. Why the Government took that course is still a problem to be solved—because the Minis-

ter of France told the Chambers that France was right; the Minister of Spain declared that Spain was right; and the answer of Ministers, when asked here who were right? only showed that they were wrong. It is clear, Sir, that they did counsel the Regent to abate from the just rights which, as Regent, he was entitled to uphold; and that was a blow to his authority as Regent. Then came the affair of Barcelona. No man in Europe doubts that the French consul took a part on that occasion which would have justified the Spanish government in withdrawing his *exequatur*, and putting an end to his functions; but her Majesty's Ministers counselled the Regent to do no such thing, but rather to temporise and to submit. That was another blow at the authority of the Regent. The only power in Europe to which the Regent had to look was England. Austria, Russia, and Prussia have not renewed any diplomatic relations with the Queen of Spain. We endeavoured to persuade them to do so, and we thought we had nearly succeeded. The present Government boasted they enjoyed more eminently than we did the confidence of those powers; but they have not yet succeeded in inducing them to acknowledge the government in Spain. Towards France the Regent could not look. France was avowedly unfavourable to him. It was only from the moral support of England he could look for any success; that support has not been given him, and the consequence is he has fallen. I say then it appears to me that there is nothing in the position of the present Government, as contrasted with the state in which they stood when they came into power two years ago, that can be a source of any congratulation to them. They were carried into office by a greater acclamation of public opinion than perhaps has ever yet, or at least often, greeted the accession to office of any government. They came in with an overwhelming majority: that majority they still retain. But if I ask them if they still retain the personal confidence of those who give them their political support?—if I ask them if they retain the confidence of those portions of the people of this country by whose votes at elections that majority was returned which placed the present Government in power?—if I ask them whether in public or in private they retain the good word of those who are their political ad-

herents? — they must confess, that in that respect their condition is lamentably changed. Sir, I really almost feel, that common generosity ought to prevent us from pressing too hard upon a fallen foe. I might almost say, their state now, as compared with what it was, might “point a moral and adorn a tale.” But, Sir, there are topics far too serious now to be discussed, and too important to the public, to allow us to dwell on personal considerations applying to the individuals who may happen to be in the Government. It is impossible for any one to look at the state of the country in all its domestic relations, and in its foreign relations without the greatest possible anxiety—a certain degree of anxiety with regard to foreign countries, but a more intense degree of anxiety with regard to what is passing at home. I agree with the right hon. Baronet, that there is nothing in the present state of things which ought to lead any man to despair—there is nothing in any degree alarming in the symptoms which have shown themselves anywhere, that should lead us to think that a wise and enlightened Government having views of its own—not like the present Government, in

“A mighty maze, and all without a plan.”

There is nothing that a wise and enlightened Government having views of its own, being united in those views, and having energy enough to follow them out, could not surmount, and by surmounting restore the country to tranquillity and prosperity. It is not, therefore, so much the condition of the country which inspires me with uneasiness and alarm as the condition of the Government itself. It is, because I see a government composed of Ministers evidently disunited in their own opinions, who have no views of any measures calculated to meet the difficulties and the exigencies of affairs, and who are now preparing to let a long Session of Parliament draw to its close without giving even the most distant intimations, that between this and the next meeting of Parliament they shall be able to devise or intend to consider any measures calculated to appease and soften the discontents of the country; therefore, it is, that I look upon the present as a most alarming state of things. I think it is alarming to find, that either from differences among themselves, or distrust of

their supporters, or a want of views of their own, a government, which is supported by a majority which renders their continuance in office certain, are in a time of great public and national difficulty, unprepared with even an intimation that they will consider what is fitting to be done. That, Sir, I do think is a very disquieting state of affairs. I can only hope that the Government have acted with even more than their usual caution in these debates. I should hope especially that the speech of the right hon. Baronet this evening is not to be taken as a real indication of what are his feelings and intentions on these great subjects. Anybody who has been in office must know that governments are very reluctant, and properly so, to announce beforehand, especially at a great interval of time, measures they may not have matured, and which have bearings of the utmost national importance, and, therefore, I am willing to hope that the meagreness of the statements we have heard from the Government may not be the real indication of the meagreness of their intentions. But I do entreat them to turn their most anxious and serious thoughts to these subjects; I do entreat them not to let Parliament separate without saying something on which at least better expectations for the future may be founded; and I will say, with those who have already spoken on this side of the House, that if they will take a bold course of policy—not bold in the way of coercion, but of conciliation—if they will do that—if they will look fairly in the face the difficulties with which we are surrounded—if they will fairly, impartially, and with kind intentions, examine the various grievances, a sense of which has led to the present disquieted state of mind in Ireland, I am quite satisfied, they will find that their supporters will not resist the measures they may be induced to propose, at least, not so great a body of them as would be sufficient to prevent them from acting—the example of what took place on the tariff ought to inspire them with confidence, but, at all events, of this they may be sure—if they bring forward such measures as Government ought to propose in the present critical state of public affairs, if not on that side, at least on this, they will receive such support—ay, disinterested support—as will enable them to do their duty, and to restore the country to that



state of tranquillity in which they received it two years ago.

Lord Stanley—Sir, among the numerous extraordinary misrepresentations of the state of affairs which have been made by the noble Lord who has just sat down, there is hardly any one more remarkable than that with which the noble Lord commenced his speech, namely, that my right hon. Friend, in the beginning of his address, had complained of the conduct of the noble Lord the Member for London in not moving directly, as was his bounden duty a vote of want of confidence in her Majesty's Government, whereas the very first sentence that fell from my right hon. Friend, was directly and diametrically the reverse of what the noble Lord has represented. So far from complaining of the course pursued by the noble Lord, my right hon. Friend commenced his observations by stating, that he did not complain of the course which had been taken by the noble Lord. He admitted, that the course taken was entirely within the noble Lord's constitutional right and privilege, and that he did think there was a fair and legitimate ground on the present occasion for not taking that course which the noble Lord, in his first sentence, said my right hon. Friend, in the outset of his speech, complained that the noble Lord had not adopted. But I confess that with whatever satisfaction I may have listened to the speech of the noble Lord, seeing the number of wasted days, I cannot but be of opinion that the public may somewhat think the business of the country has not been very materially advanced, or the time of the House very valuably occupied by the course which has been taken to-night. I do not complain of the course which the noble Lord has pursued, prudent, as no doubt it has been, in making such a statement, while he made it impossible that the sense of the House should be taken on any practical question. This debate has served as an opportunity for hon. Gentlemen on the other side to pay each other reciprocal compliments on their own vast superiority in debate, of assuming that there never were such speeches delivered as those which have been delivered on the other side during the present session, and of contending, that if my right hon. Friend has complained that the business of the session has been impeded, it has been so impeded in consequence of the acknowledged superiority in debate of our oppo-

nents. I do not exactly know what the noble Lord means by superiority; but if he mean in point of quantity, there certainly cannot be a doubt of the decided superiority of hon. Gentlemen opposite. The noble Lord tells us of the vast number of days during the present session in which the House has not sat, or when it was adjourned at six, seven, or eight o'clock in the evening; he read a long list of these occurrences. I have not had the opportunity of looking back to the facts, but I cannot fail to form a strong conjecture that the great majority of the days to which he refers were days which were not devoted to the Government business. Admitting for the sake of the thing the superiority of hon. Gentlemen opposite in debate, I cannot help thinking that there is in the noble Lord's statement pregnant evidence that it was generally on those days devoted to notices of motion, and not to orders of the day; that at about seven or half-past seven the House was counted out, because at that hour hon. Members found occupations more agreeable than motions and discussions that would lead to no practical conclusion. But the noble Lord tells us that the measures of the Government introduced this session were badly framed, and that it is on that account, and not on account of any obstruction, that so little business has been done. He instances the County Courts Bill and the Ecclesiastical Courts Bill, and he says that they were framed so badly that on discussion it was found impossible to carry them through the House. Now, with regard to the Ecclesiastical Courts Bill, it is well known that that is a measure of the greatest complication—one by which different interests are arrayed against each other—that although it was not a measure involving party principles, and exciting violent animosities, it had features that were equally formidable for any Government in the endeavour to carry it into effect. That measure affected vast private and individual interests—interests that would be much damaged by the passing of such a bill, though it is at the same time admitted to be a measure of substantial reform. The failure to pass an Ecclesiastical Courts Bill, too, is not peculiar to the present Government. The Government of which the noble Lord himself was a Member, did in more than one session of Parliament try their hand upon such a measure, but, from whatever cause, whether

from their bills being badly framed or otherwise—they did not succeed. [Dr. Nicholl: "They were never read a second time."] But the noble Lord says, that the County Courts Bill was so badly framed, that we were obliged to abandon it. I was not aware that the bill was ever given up by the Government, but it happens to be one which has never had the opportunity of having its merits discussed, inasmuch as that when my right hon. Friend introduced it, it was at the commencement of the session, at a time when there were very protracted debates in this House. It may be that more Members desired to utter their opinions than their used to be, or it may be that we cannot make the day longer than twenty-four hours, or induce people to devote more than eighteen of those hours to assiduous labour. But, from whatever cause, the County Courts Bill has not received the full discussion it merits; and notwithstanding all that vast majority in this House of which the noble Lord has spoken, my right hon. Friend has certainly never had the opportunity of taking the second reading of the bill. Yet the noble Lord tells us, that the bad construction of our measures is the reason why we have not been able to pass them. The noble Lord passed on to the education question. I admit that I deeply regret the failure of the endeavour of her Majesty's Government to heal religious animosities, and that they should have not been able to press forward a measure which the noble Lord, the Member for London, admitted he agreed to with one exception; for it was on one single point that the noble Lord disagreed with the measure, the point embodied in his resolutions—I mean the appointment of masters in the schools. [*Ironical cheers.*] Hon. Gentlemen opposite may imply by that cheer that the difference was a most important one, but it was still a single point at issue. [Lord J. Russell: "There was also the question of the constitution of the boards of trustees."] If I remember rightly, the noble Lord in the first instance intimated no opinion as to the boards of trustees, and in the main, the principles recommended by the noble Lord had been, before the proposition was made, practically adopted by my right hon. Friend. However, I will not go into the details of that measure. I deeply regret that those details were not discussed in this House with that temper and fairness with which the measure was

first received here, and which, I believe, if not for the strong pressure of popular feeling without, however excited, would have been so discussed, and fairly discussed. I believe also, that if the measure had been so discussed, it was of such deep importance to the best interests of the country, that it would have been adopted. But then the noble Lord talks of our financial deficiency. The noble Lord has an easy mode of passing over the proceedings of his own Government. Says he, "We had a deficiency, and we were very sorry for it." Yes, but being very sorry for it, is not precisely the mode to deal with it. They had a deficiency that was annually augmenting during three, four, or five years. What did they do? Why, they were "very sorry for it." They took no steps to stop it, but permitted it year after year to accumulate, till the deficiency of each year exceeded the former. By this system we were left with something like 7,000,000*l.* of accumulated deficiencies by the energetic policy of the noble Lord. All he can say is, that he is very sorry for it; but then he adds, "Only see what we would have done with our measures respecting corn, timber, and sugar." The House and the country, however, it seems, were not exactly of the noble Lord's opinion. If the noble Lord and his Colleagues were of that opinion, I must say it was very lately formed—it looked something very like a death-bed repentance, as if they had only resolved on it at the time when their fate as a Government was practically sealed. Then it was that they introduced financial measures which they knew would be rejected, and they cried, "See what we would have done if you would have allowed us." Sir, this energy of the late Government at the close of their existence does, I confess, appear to me somewhat too much like the galvanic energy that is seen sometimes in the last moments of a dying person. The noble Lord then goes on to tell us that the present Government have at the end of two years increased the deficiency. Now, when the noble Lord complains of a want of energy in the present Government, he surely is hardly prepared to say, that the step taken by the Government on their accession to office, for the purpose of putting an end to the financial difficulties left by their predecessors, was not one of the boldest and most straightforward measures of finance ever resorted to, especially when



it was a measure known to be unpopular. I will say, Sir, that there never was a bolder attempt to remedy the disordered finances of a country than the Income-tax proposed by the present Government. And the noble Lord, when telling us of our deficiency, has not taken into account the half-year's Income-tax that was not collected when he made his calculation. "But," says the noble Lord, "we left you not only a deficiency, but also some wars on hand." Yes, you did, and a very pleasant position those wars were in. Does the noble Lord think he left us in a satisfactory state with regard to the war in India? The noble Lord asked with some complacency whether my noble Friend (Sir R. Peel) had not availed himself of the preparations which the preceding Government had made in India? I admit we did, but the noble Lord had much underrated the difficulties in which we were placed with respect to Afghanistan, and touched very lightly upon what he was pleased to call the "incident of Cabul." I believe the noble Lord considered the "incident" a more serious matter at one time than, now that it is overcome, he is likely to admit. The noble Lord said, "I do not blame you because in the Affghan war you availed yourselves of the skilful means and preparations provided by us." The means and preparations provided by you? You said, that notwithstanding the "incident" you were prepared with means to set matters all right again; yes, as right as you were prepared to set the finances. The "incident," however, was such as to induce Lord Auckland to abandon the enterprise, and the only preparation made was a corps of reserve held in readiness to cover the retreat of the troops when they were about to abandon the country in their ill-fated condition. For months after Lord Ellenborough's arrival in India, the army was in such a state in Afghanistan as not to be able to move backward or forward, but was compelled to remain in a position of inactivity and indolence. Was our Candahar force—I do not mean to say anything against the army, to whom no blame could attach—but was our Candahar force in an efficient condition to proceed to Cabul? [Viscount Palmerston: "General Nott offered to go."] Is it asserted that it was? I'll call a witness. I'll call Sir William Nott. In a letter dated April, 1842, that gentleman says,

"Had he been reinforced with a single regiment of cavalry he felt convinced he should have been able to repress all the rebellious feeling in Candahar; and that if the assistance of a few troops were afforded him he would be enabled to march to Ghuznee and Cabul; but, though six months had elapsed since the outbreak in Candahar, no aid of any kind had been sent to him; and he was obliged still to confine himself to that point and its vicinity."

Such was the statement made by Sir W. Nott. [Viscount Palmerston: "Read General England's letter."] The noble Lord, or any Gentleman on that side of the House is of course at liberty to refer to any document he may choose. Then, with regard to China. The noble Lord had said that he did not blame the present Government with respect to the course which had been pursued in China; and added that, notwithstanding the taunts which had been levelled at the late Government for not adopting more vigorous measures, at the very time those taunts were used the plenipotentiary was dictating the terms of peace to the Chinese Government. The noble Lord accuses us for having availed ourselves of the services of that plenipotentiary. We did so, and I am glad of it. I am glad my right hon. Friend availed himself of the services of one so discreet and able to conduct the business in China, and that no feeling of party or rivalry interfered with his carrying it out successfully. The noble Lord said, the success in China was owing to our having followed the plan of the preceding Government. It was not achieved alone by that means, but by adding largely to the military and naval force in China. When it is remembered that in 1842 the forces in China were nearly double what they had been in the previous year—that no steps were taken at that time to increase our naval and military force in China by a single ship, by a single battalion, by a single man, by a single arm, I must say that the war in China was brought to a close by the present Government, not in consequence of following the plan of our predecessors but by following up the active course which we adopted during the first six weeks of our holding office. There was no document left by the late Government to show that they had intended to adopt any larger or more ample means with respect to China than they had at their command in the previous year. There was no docu-

ment to show that any increase of force was intended either for China or India, for Lord Auckland in consenting to take the responsibility of the government wrote to know what forces could be placed at his disposal, stating that the existing force was insufficient for anything but predatory incursions. Is that what you call following your plan, which appeared to have closed all further preparation for warlike operations? We, when we saw that vigorous proceedings were necessary, proposed a strong measure with respect to the financial difficulties of the country. The noble Lord said, look at the financial difficulties of the country, and animadverted on the observations of my right hon. Friend (Mr. Goulburn). My right hon. Friend did not say that the distress of the country—which the noble Lord will give me leave to say has been much exaggerated—was owing to a hostile tariff. He did not make this statement, though the noble Lord had founded an argument upon it, and asked, “Upon whom lay the responsibility of a hostile tariff if not upon those whose war cry was protection?” The noble Lord and those on his side talk a great deal more of free trade principles than they act upon them; and I will fearlessly say, that they never, during their administrative existence, brought forward, and much less carried, any measure of commercial relaxation so large as that which my right hon. Friend so successfully carried through in the first year of his Government. The right hon. Gentleman the Member for Northampton finds fault with the Government for not breaking through what he was pleased to call the trammels of party; and in the next sentence he says, that with such a majority as we possess, we ought to be able so to frame our measures before laying them before Parliament as to insure the concurrence of our majority. There is something curiously inconsistent in this advice. We must first, according to the right hon. Gentleman, break through the trammels of party, and, at the same time, consult that party in framing our measures so as to secure a majority. But, to return to the tariff, I will again assert, that it was a measure of great commercial relaxation. You say, that we are neither for the principles of free trade nor the principles of protection to their fullest extent. We reply that we are not; and any person who considers calmly the state of this

country, and takes into account its various and complex interests, will clearly perceive that carrying out either the principles of free trade or those of protection to what Gentlemen opposite call their legitimate conclusion, would be wholly impracticable without a very material alteration in the circumstances of the country. Such a notion might fit the theory of a schoolboy theme, but would not be undertaken by a practical man of business, who would feel that the adoption of such a course would throw the affairs of the country into inextricable confusion. The noble Lord says that our war cry is protection. So far from protection being our war cry we have carried out the principle of removing restrictions, but we have done so with due caution, and yet at the same time have carried out the principle to a greater extent than our predecessors ever carried or attempted to carry it. The noble Lord, in referring to domestic politics, spoke of the state of Wales of the mining districts, of the Church of Ireland, and of the Church of Scotland. I shall not follow him through all these; but when the noble Lord charges the present Government with the existing state of things in the Scottish Church, he is singularly forgetful of the fact that when he himself was in office, when the dissensions which led to the unfortunate schism in that Church first broke out, that he upon principle folded his arms and sat quiescent, neither saying or doing anything. The Government do not interfere; then the noble Lord is not satisfied, but says, “You interfere for the purpose of healing a division which does not exist.” [Viscount Palmerston—“No, no; a division which could not be healed.”] Well, then, a division which cannot be healed, and of keeping in the Church those who signify their determination not to leave it. I very deeply regret the secession from the Church of Scotland of a very large number of able, pious, and learned ministers. I think it is a great misfortune, not to Scotland only, but on account of the effect it has upon the principle of establishments generally. But when the noble Lord says that the Government interfered at an improper period, I say that the Government felt it their duty not to interpose to reconcile irreconcilable differences,—not to interfere so long as the Church stood in a position in which she repudiated the authority of the law, but



as soon as the Church placed herself in due submission to the law, then, and not till then, it was the duty of the Government to endeavour by legislative measures to solve the difficulty and heal the dissension which had so long existed in that Church. And whatever the result of that measure may be I do not regret either having postponed it so long, nor having brought it forward at the earliest period it was possible to make such an attempt consistent with our duty. I will not enter into the question of the state of Ireland, a question which has been very fully discussed in a late debate. I very studiously abstained from taking part in the discussion on the subject of the Arms Bill, and I will not enter upon the discussion of those clauses which have occupied so long a time, nor will I follow hon. Gentlemen into any remedies they may propose for the disturbed state of Ireland, some of which are about to be brought under the full consideration of this House. Having had the opportunity of stating the general course of policy which it was the intention of the Government to pursue on former occasions I will not go over the same ground again; but in spite of Canada, in spite of America, in spite of Afghanistan, in spite of China, the noble Lord's foreign policy is what he peculiarly piques himself upon. He says, "We admit, that there were great difficulties in the finances when we left, that the commercial restrictions were very great; but," says the noble Lord "you have not remedied the one, nor have you relaxed the other, and when we went out" said the noble Lord "Ireland, if not tranquil appeared to be so"; and I believe the noble Lord's definition is more correct now than on a former occasion. But, first of all, his foreign policy is the great thing upon which the noble Lord piques himself, and what great result has the noble Lord to show upon the subject, that should lead the Government to follow his footsteps? He says, "If there were any quarrel between two great states of Europe, the first question was, 'What is England going to do?'" and why? As soon as wars or rumours of wars arose in any quarter of the globe, then, said the noble Lord,—and he takes peculiar credit to himself for saying so—the first question asked was, "What is England going to do?" No, not what is England going to do, but what is Downing-street going to do? or

rather he might have said, what is Lord Palmerston going to do? That was the first question: for it is notorious that Downing-street, or rather the noble Lord with whom I had the honour of serving under Lord Grey's Government, on the principle of non-interference, whenever anything arose in the pettiest state in any quarter of the globe, must say, something. That was the case so long as the noble Lord was at the head of Foreign Affairs: and, therefore, says the noble Lord—"the first question always was, 'what is England going to do?'" But you left Foreign Affairs with France I suppose on a very satisfactory footing? "No" says the noble Lord, "it is true, there was a little temporary irritation—just at that moment everything was wrong; but if we had remained in three months longer, everything would have been right." It may be so, but the noble Lord must allow me to doubt whether that would have been the case, when I see the effect of the noble Lord's policy for some time before. Then with respect to Spain. But there again, the noble Lord spoke of France; France is in fact his bugbear—his *tête noire*—he is always suspicious that France is interfering from jealousy of England. I speak of the affairs of Spain with very great pain, because I believe, that in the maintenance of the administration of Espartero there was the best chance of a steady government, and of the returning tranquillity and improving prosperity of that magnificent country. I do not hesitate, for one, and on the part of the Government, to say, that we witnessed with pain the recent events in Spain, and the fall of Espartero, whose talents, ability and judgment, had earned for him a high and deserved reputation. When the noble Lord tells me, that from the want of energy of this country, Espartero has fallen and the independence of Spain is gone, the noble Lord seems to have a strange opinion of the independence of a foreign country. The noble Lord brings forward some questions of court etiquette, in which he says we weakened Espartero's authority by sending him some advice on court etiquette, and, thereby, lowered him in the estimation of the people. But can the noble Lord assert, that so far as was consistent with the interests of a friendly country, every support—every moral support which the Court of England could give to the Government of Spain, has not

been fairly, frankly, and freely given? When the noble Lord supports, and rather strongly for one whose doctrine was non-interference, the authority of Espartero—but perhaps, the noble Lord recanted that doctrine—[Viscount Palmerston:—"My doctrine was, peace, retrenchment, and reform."] The noble Lord sent to the court of Spain, a Minister, in whom he had full confidence, to whom he stated his desire to maintain the existing state of things, but did we alter that arrangement? Did we recal Mr. Aston? Did we not, as a mark of the intention of the British Government to adhere to those friendly relations established with the Government of Spain, continue at that court a Minister selected by the noble Lord? "But," says the noble Lord, "your want of energy destroyed the independence of Spain." I take it, that the independence of Spain or of any other country, is not promoted by maintaining this or that party in the country by the aid or assistance of foreign power, and that the Government which cannot stand by itself—which requires the interference of British troops which the noble Lord is ready to give to uphold Spanish independence, is not in a condition which can be called an independent country. A Government upheld by foreign force can hardly be said to be independent. The noble Lord always speaks with very great candour of his own political feelings, hopes, and prospects; and in the present Session he has kept a very accurate barometer for measuring the votes of the noble Lord. In the early part of the Session, that noble Lord told us, that if we were not driven out, it was not from any love to us, but from the extraordinary distrust which the public had of the noble Lord and hon. Gentlemen on the opposite benches. "But then," says the noble Lord, "that was at a very early period of the Session. I have had several months' experience since that time,—I have recanted that opinion, and I am therefore no longer bound to what I said." But to-night the noble Lord speaks in a different tone, "We are immeasurably superior to you in argument—in debate you can't hold a candle to us. There has been nothing so eloquent as the speech of my noble Friend on this side, and though our numbers are somewhat scanty and we cannot hope to beat you in the present Session, yet I think we can contrive to sow dissension between

you and your supporters in this House by only telling them that if they introduce certain measures you shall have the candid support of gentlemen on this side of the House, and I do not despair that by the end of next Session we shall be almost equal to you in the lobby," and that is the way in which the noble Lord winds up his Parliamentary campaign. I am sorry to say anything to damp the aspiring hopes or youthful fancies of the noble Lord; but rumours of discords and dissensions appear to have reached him, and to have raised his hopes even to their present moderate height. I am unaware of any foundation for such hopes. If he bases them on dissensions in the cabinet, I am afraid I cannot hold out to him any prospect of that change taking place which he told the House some time ago the country would have stopped. I believe that by pursuing a straightforward course, not by pretending to believe that the evils of the country are at once to be remedied by some great clap-trap measure, to be introduced or not as the case might be, and only intended to make a noise for a time and never to be brought into operation; but by a steady and persevering and assiduous attention to the interests of the country, by neglecting no opportunity of obtaining small advantages. I mean small advantages in the way of legislation, and not small in respect of useful measures, though those measures might not be so showy as some which hon. Gentlemen opposite might suggest. I do believe, I say, that possessing, as I trust we do, the confidence of this country, and steering our own steady and determined course, we shall be enabled to administer the affairs of the country, even to the disappointment of the new-raised hopes of the noble Lord.

Mr. Labouchere said, he should not have risen, were it not that he felt himself called on to take notice of the extraordinary mistake into which the noble Lord opposite had fallen, in his statement of the condition in which he found the naval and military preparations of this country in reference to China. The noble Lord had stated that the late Government had made no preparations to carry on the China war with efficiency, and that they had not intended to augment the forces on that coast. Now, he took on himself to assert, in contradiction to the noble Lord, that if the late Government had



continued in office there would have been on the coast of China, not only the same Plenipotentiary, Admiral, and General, but also, with the exception of a single frigate, the same amount of naval force, and the same five regiments, as had been sent there by the present Government. The noble Lord might, strictly speaking, say he did not, when he entered office, find these instructions given. But what was the case? The late Government mainly left the consideration of the force to be employed to the Governor-general of India, who was nearer the spot, and in whom they had the greatest confidence, and they directed Lord Auckland to prepare and send from India whatever force might be deemed necessary. But had the late Government made no preparation in England in the meantime? They had prepared, manned, and commissioned ships to be ready to start from the coast of this country as soon as a letter, which was expected, should arrive from Lord Auckland. The noble Lord knew that positive orders were not given to ships, though manned and commissioned, until sailing orders were issued, and, therefore, it was true that no orders were given to the ships to sail for China, but the impression which the noble Lord attempted to produce on the House was false and erroneous. The ships were prepared and would have sailed. Lord Auckland's letter was waited for, which letter arrived very shortly after the change of Administration, and on the receipt of that letter those ships which were in readiness would have sailed, as they did in fact very properly sail, to the coast of China. The only change which was made was not material. Lord Auckland recommended that four native regiments and one European regiment should be sent from India, and in fact four native regiments were sent from India, and one European regiment from this country. It is true that two more native regiments were sent afterwards; but they did not arrive in China until after the treaty was signed and the war brought to an end. He did, therefore, think that the noble Lord's mistake was so extraordinary and of so unusual and unprecedented a kind in the debates of that House that he could only attribute it to that sweeping and slashing mode of argument into which the noble Lord was sometimes betrayed, and which made him not very scrupulous in the assertions he

made. So grave a charge having been made on such slight foundation, he (Mr. Labouchere), having had the honour of being connected with the late Government, should have been ashamed of himself if he had not risen in his place and declared in the face of the House and the country that, to the best of his belief, the charge made by the noble Lord, and the assertions on which he founded that charge, were perfectly unjust and unfounded. The noble Lord had alluded to the foreign policy of the late Government, and said that he thought the policy of Lord Grey's government was that of non-interference. If by non-interference the noble Lord meant not rashly or wantonly meddling with every petty quarrel in every point of the world, that was certainly the principle of Lord Grey's government; and he was sure it was the principle of Lord Melbourne's government, as it ought to be the principle of every government administering the affairs of this country. But if by non-interference the noble Lord meant that this country, with its vast commercial and political relations, was to isolate itself from all concern as to what was going on in the world, he (Mr. Labouchere) held that the minister who adopted such a course would degrade this country from the position she ought to hold, and this pusillanimous conduct, so far from being attended with security, would bring danger to our own shores. Such was not the principle of non-interference of Lord Grey's or Lord Melbourne's Government. He was told that the noble Lord, the Member for Tiverton, was such an enemy of France, that the very name of that country frightened him from his propriety and perverted all his political feelings. Since the noble Lord had been Secretary of State for Foreign Affairs very opposite accusations had been made against him with reference to France. At the time when the noble Lord (Lord Stanley) and the right hon. Gentleman (Sir J. Graham) were sitting on the same bench with the noble Lord the Member for Tiverton, the Government was considered so favourable to France that it was said they were losing the friendship of all the world for the love of France. He had heard accusations against the noble Lord of a different character. The fact was, that his noble Friend was neither a friend nor an enemy of France; he had always desired to keep on good terms



with France as well as with other powers, but what he looked to mainly was the interest of this country. His noble Friend had not been disposed to sacrifice that interest for the purpose of being called a friend of France; and thus, when he thought that France was taking a line, and putting forward pretensions which this country could not submit to with propriety, he firmly resisted, opposed, and successfully thwarted her designs. He remembered the time when his noble Friend was accused of being most hostile to France, and that was at a period when he was engaged in an attempt to conclude a commercial treaty with France. Nothing could exceed his anxiety to conclude that treaty, which would not only have been an advantage in a commercial point of view, but would have strengthened the feeling of union between the two countries, which feeling his noble Friend and every Member of the late Government were most anxious to cultivate as affording the most important security for the peace of the world. He should not attempt at that hour of the night to trespass upon the attention of the House. He had listened to the party warfare which had taken place in the course of the present debate, and, notwithstanding all that had been said, he believed that at this moment the country was in circumstances of the greatest difficulty and distress. The proceeding of the right hon. Baronet had been productive of feelings of great disappointment, which would sink deeply into the hearts and minds of the people, and he feared that the language which he had heard used by the Ministers of the Crown in the course of that debate, would do anything rather than mitigate and abate those feelings. He had listened to the speeches of the right hon. Baronet opposite, and of the noble Lord who had last spoken, with the greatest attention, with a view of ascertaining what hopes they held out of well-digested measures to be introduced in the course of the next Session of Parliament; and he was bound to say that if he was to take their declarations as affording an indication of their intentions, there was little prospect of their adopting any course different from that which they had hitherto pursued. What said the noble Lord? He said—"We do not propose to bring forward any showy measures." For his own part, he said, let them be as plain as they would,

but let them have such measures as were calculated to remedy the existing grievances. It was admitted that the financial and commercial state of this country was one of great alarm—that a great portion of the people were in great distress. No measure had been brought forward calculated to relieve that distress, and it appeared utterly hopeless that they should have any measure to improve the condition of the trade and industry of the country. He had heard the language of the right hon. Baronet with extreme disappointment and regret, on account of the contrast presented by it to that held during the last Session of Parliament. It had then been supposed that measures were to be introduced of a vigorous character, and calculated to improve the condition of the industrious classes, and to confer great benefits on this country. But what had now been said? The right hon. Baronet had gone back to the arguments which he had thrown over long ago. He had complained that hostile tariffs had been lately passed by foreign countries. He had been very much struck with an observation of the right hon. Baronet on the timber duties on this point. The right hon. Baronet had declared that his mere proposal of the timber duties had had such an effect, that the Germanic Confederation had been prevented from legislating in a hostile manner towards this country. That was the opinion which had been then expressed by the right hon. Baronet. He wished that the right hon. Gentleman would now act upon that principle which he had then stated to be just and wise. He trusted that the silence which the Government had observed, did not indicate that they were not prepared to consider this subject, and that they would not bring forward, to be discussed, those important measures which were so essential for the public welfare. He feared that delay would be productive of great evil; but at the same time he hoped that the Government would be prepared to act on their own principles on this most important point, at the early part of the next Session. The same observations applied with respect to Ireland which arose in the case of the trade of the country. He believed that no one could look to the existing state of things in that country, whether his views were those of coercion or conciliation, and could believe it possible that the Government should be car-



ried on any longer, as it was now carried on by any Ministers without betraying their duty to the Crown, the Parliament, and the people. The right hon. Baronet opposite (Sir R. Peel) had taken credit for that he had not had recourse to any measures of coercion. He was not disposed to refuse to the right hon. Baronet credit for the course which he had pursued. He was sure of one thing, that the right hon. Baronet had followed the conviction of his own judgment, and his own sense of right; but he felt bound to express his opinion, that, in the existing state of affairs, that was not sufficient. He believed that there might have been a time when the mere attempt to govern Ireland in a conciliatory manner would have been sufficient; but he was afraid, that that time was now past—that the storm was rising, and that the period for activity had arrived. What was the state of Ireland at this moment? It was this, that the Government in that country was absolutely without any supporters, or any friends whatever; he believed, that the Lord-lieutenant and the noble Lord the Secretary for Ireland sat in the castle of Dublin without supporters, without information, and knowing as little of what was going on in Ireland as in Japan. The Government would have to choose between two courses, between measures of conciliation and concession, and measures of repression. Gentlemen on that (the Opposition) side of the House were not disposed to sanction proceedings likely to lead to anarchy and confusion; but while they felt that the law must be supported, they could not but think that the grievances of the people must be considered, and that a wise measure of conciliation and concession must be adopted.

Lord Stanley begged to explain. He should be exceedingly sorry if, even in the heat of debate, he had brought forward any charge against the late Government, or against any persons which he believed to be true in words but not in substance. All he could say with regard to the preparations for the Chinese war was this; that if the right hon. Gentleman would move for any papers which would show by whom and at what time instructions were given, and supplies furnished for the war with that country, they should be given without reservation, and the House would then be able to judge whether or not he had made an unfounded charge.

Mr. Muntz observed, that he, for one, cared nothing about the party debates which took place in that House, and he was sure the same feeling pervaded the majority of the country. The people were perfectly careless as to what had been done in past years by either party, for they said, and they said truly, that nothing had been done for them, and therefore they called the present the do-nothing parliament; but they were very anxious as to what measures were to be introduced for their relief in future, and had lost almost all hope. He wished from his heart that the noble Lord the Member for North Lancashire was as largely engaged in commercial affairs as he was, and then he would not say that Gentlemen on this side of the House exaggerated the commercial distress; yet the last time he had the honour to address that House, when he recommended Ministers not only to inquire into the distress of Ireland, but also of England, Scotland, and the colonies, the noble Lord in reply, added the world, and made him (Mr. Muntz) to say that the whole world was going to rack and ruin. He did not pretend to compete with the noble Lord in experience in that House, nor in ability as a debater; but he knew as well as the noble Lord, or any man in that House, what he said then—and he was quite confident that he never said any thing about the world; and if the noble Lord, or any other Member chose to tack words to his remarks, they should be responsible for them, for he (Mr. Muntz) would not. He now repeated his recommendation to Ministers to inquire fully into the causes of distress in England, Scotland, Ireland, and the colonies, for in all parts that distress was great and increasing; and he called upon them to inquire before it was too late. As to Wales, he feared the disturbance there might become a very serious affair. Could the Government shut their eyes to the state of the districts in Wales? Ought they to forget the condition of the people in that portion of her Majesty's dominions? The upper classes there treated the lower with every kind of tyranny and oppression. And the House would see that the people had grave cause for discontent, when he assured them that a load of lime, used for manure, the first cost of which was 2s. was frequently raised by tolls, even when carried a comparatively short distance, to the enormous cost of 6s. 6d. Another cause

of the discontent of the people of Wales was the great reduction in the value of their stock. They were small and poor farmers; and within the last two years, whether from the operation of the tariff of the right hon. Baronet opposite, or from the general distress of the country, was unimportant, the value of their stock of cattle and produce had been reduced to about one third, whilst their rents and expenses remained as before. Their discontent, then, was not to be wondered at, nor was it surprising that it broke out somewhere or other. This motion was said to be one upon the state of the country; but though the Prime Minister, and other Ministers, and ex-Ministers had spoken, and a great deal had been said, about an improvement in trade and commerce, no remedy was proposed for the evils under which the nation suffered, and its real condition was yet undescribed. Would it be believed by the people of this country that in a debate of eight hours duration upon the state of the nation, in which all the experienced men in the House had taken part, not one word had been said respecting the state of the home trade, although it was well known that it was of nearly treble the amount and importance of the foreign trade? The quantities of articles imported or exported were no proofs of the thriving of the home trade, or of the better condition of the people. What evidence was there to show that whilst there appeared an increase in the quantity of exports, that such increase had not been much more than counterbalanced by a reduction in the quantity of the home trade? It was of no use to bring forward a vast number of statistics to prove to a hungry man that he was very comfortable. That was the old trick over again. In vain did the miserable people complain—in vain did all classes and all interests agree, that distress was great and increasing. They were answered, that they must be all wrong, for statistics could not err. He should like to know in what trade there was any improvement. There was none at all. It was nothing but a mere idea. He was quite sure it would be found so. The right hon. Baronet had made a comparison with the most unfortunate, unprofitable, and most distressing year in the annals of our commerce; and because he found an increase in some articles he assumed that there was an improvement. That was a fallacious notion. Not one

word had been said about prices, profits, or wages, without information upon which who could judge? What was the object of trade? Profit. Nobody would trade for mere play's sake. They wanted profit—and without profit trade was useless. If things went on as they were going, there would be neither trade nor profit. The taxes would not be paid—the rents would not be paid—and the dividends would not be paid—and nothing would be paid long. The House knew his remedy, which when he mentioned was always laughed at, and therefore he would not repeat it. But if they would not adopt his remedy, there was but one more, and for that they must prepare. If they would maintain two laws one of which raised the necessities of subsistence fifty per cent. higher than the rest of Europe, and the other which prevented wages from rising in due and just ratio, thereby taking from the poor artisan at least one third of his earnings, be they much or little, and giving it to the rich; they must have a third law by which to give it back again. They must take from the rich and give to the poor. Under the present system one-half of the produce of the poor man's labour was taken from him and given to the rich man. That system must be reversed. He still believed his own remedy the best: but unless that was adopted, the only resource was a large increase in the property-tax, and a repeal of the indirect taxes, which would produce much the same result. The right hon. Baronet had conceded the principle in his property-tax, in which he (Mr. Muntz) had supported him upon principle, and would support him again. Unless something was done to relieve the working classes, they would be compelled by and by to raise a property-tax of fifteen or twenty per cent. at the least; and he called upon them at once to prepare for it, as come it must. Why was not something done for the people? Why was not the cause of their permanent miseries inquired into, instead of mere hopes and expectations being held out to them? The misfortune was that something was always to come—

“Man never is, but always to be, blest”

When he thought of the manner in which the people were treated—when he recollected how often during the last two years the right hon. Baronet opposite had expressed his hopes and expectations of reaction and improvement, he was reminded of the boy who was sent to a baker's oven



to fetch a rice pudding; he ate the skin, but as the pudding cooled another skin formed, and he escaped detection. He was then sent for a sucking pig, and stopped by the way to eat the skin of that too. As he did not return, he was sought for, and found sitting by the road side with the skinned pig before him; on being questioned, he replied—"The skin won't grow over the pig again." So it was with regard to legislation for the benefit of the people. The right hon. Baronet, like the boy, expects re-action and improvement, because he has formerly witnessed them after periods of distress; but he also, like him, forgets that the circumstances are not the same—that the former causes of re-action do not exist, and, therefore, without a total change in his measures, there would be no material or permanent improvement. The pig's skin would never come on. There never would be any improvement. There was a good deal of talk about national faith. He admired keeping faith as much as any man, and he trusted he practised it as much as most men did; but he thought that faith should not be partially kept. Why did they not keep faith with the people? What could be expected so long as laws were made of a partial nature—laws which pressed unjustly upon the labouring classes? How could they expect prosperity? If they would alter their policy, they would find the difference directly. Then, the noble Lord (Lord Stanley) said Ministers possessed the confidence of the country; but he was entirely in error. They only possessed the confidence of that House—of a House principally packed for a special purpose. Let them dare to throw themselves upon the country, and they would soon find how little they had the confidence of the country. But the Government might have the confidence of the people, by promoting their comfort and welfare. If every honest and sober man could get a living, and not be compelled to go to the workhouse for a beggarly subsistence, and to be separated from his wife and family, though most desirous to earn an honest livelihood—if such men had the opportunity of supporting themselves by their own industry, the Government would soon have the support of the whole nation. Let them look well into the state of the country. Let them search out the causes of the difficulties now besetting it, and make up their minds honestly to provide a remedy, and when they had remedied them, they would, he promised

them, possess the confidence of the country.

Viscount *Clements* said he had not intended to take a part in this debate; but the right hon. Baronet had done him the honour to lecture him on the course he had taken in respect to the Arms bill. Had the lecture been applicable to himself only he would have received it with the utmost resignation. As it came from the right hon. Baronet, he regarded it rather as a compliment than otherwise. He had heard the manner in which the right hon. Baronet had spoken of his policy in Ireland with great regret; nothing could be more unfortunate than that policy. He was in hopes that he should have been able to tell his countrymen that the measures affecting them had been drawn up with great deliberation and consideration for their interests; but he was deprived of even that consolation. The right hon. Baronet seemed to complain of too much time having been spent upon Irish matters, and that the result was the delay of measures for the amelioration of the people. If the right hon. Baronet would bring forward such measures, he (Lord Clements) was ready to attend the House until Christmas. He felt bound as a Member of that House to consider the interests of the empire, but more particularly those of that country which he came to represent. He would not trouble the House at that late hour, except to warn it, that if it placed chains upon the Irish people it must expect to hear them clank.

Mr. *D. Morris*, as a magistrate for the county of Carmarthen, could not allow the assertion of his hon. Friend the Member for Birmingham to go forth without observation. He felt sure that his hon. Friend's reflection upon the magistrates was unjust, and that if complaints had been properly made, either with respect to the turnpike tolls, or any other grievance, they would have received every attention and redress. With respect to the people of Carmarthen generally, their loyalty and peaceful disposition were undoubted, and he, therefore, anxiously hoped and believed that by the efforts of the magistrates, aided by her Majesty's Government, peace and order would be speedily restored.

Mr. *Muntz* explained. He did not live in Carmarthenshire, and he knew comparatively little of that county; but he lived in Wales, and he knew what occurred in his own district, and with respect to

that district he could only repeat what he had already said.

Order of the Day read. Committee postponed.

BREACH OF PRIVILEGE.] Mr. *Christopher* said, that it would be in the recollection of the House that a committee was appointed some time back to inquire into a breach of the privileges of that House. Petitions had been presented to the House on the subject of the Corn laws from Epworth, which were represented to have forged signatures attached to them. The select committee which was appointed to investigate the matter, had come to the conclusion,

1.—“That it appears to this committee that Samuel Potts was employed by John Hastie, of Doncaster, to obtain signatures to the Epworth petition for a repeal of the Corn laws; that when the said Samuel Potts received that petition, no signatures were attached thereto; that it is now in the same state as when the said Samuel Potts returned it to the house of the said John Hastie; that it never was out of the custody of the said Samuel Potts from

the time he received it until the time he returned it; that there are 214 names attached to the said petition; that thirteen of such names are proved to have been either the signatures of the parties themselves, or written with their consent.

2.—“That the said Samuel Potts has been guilty of an extensive forgery of names to the said petition.”

It was his duty, therefore, to move “that Samuel Potts had been guilty of a Breach of Privilege, and that he be taken into the custody of the Sergeant-at-Arms.”

It was accordingly resolved,

“That Samuel Potts, in forging signatures to a petition to the House of Commons, has been guilty of a high breach of the privileges of this House.”

And Ordered—

“That Samuel Potts, having been guilty of a high breach of the privileges of this House, be for his said offence taken into the custody of the Sergeant-at-Arms attending this House; and that Mr. Speaker do issue his warrant accordingly.”

House adjourned at half-past 1 o'clock.

## ERRATA.

Page 579 (last three lines of Earl Stanhope's Speech, on “Canada Corn-law,” July 4th),  
for “He should conclude by moving that the bill be read a second time that day six months,”—read “He should conclude by moving that the House go into Committee on the bill on that day six months.”

„ 731 (13th and 14th lines from top), first Division on “Coroners Bill,” July 5th,  
for “Ayes 134; Noes 41: Majority 33,”—read “Ayes 134; Noes 41: Majority 93.”

„ 732 (9th and 10th lines from bottom), on the question of Adjournment, July 5th,  
for “Ayes 12; Noes 37: Majority 28,”—read “Ayes 12; Noes 37; Majority 25.”





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### VOLUME LXX.,

BEING THE FIFTH VOLUME OF SESSION 1843.

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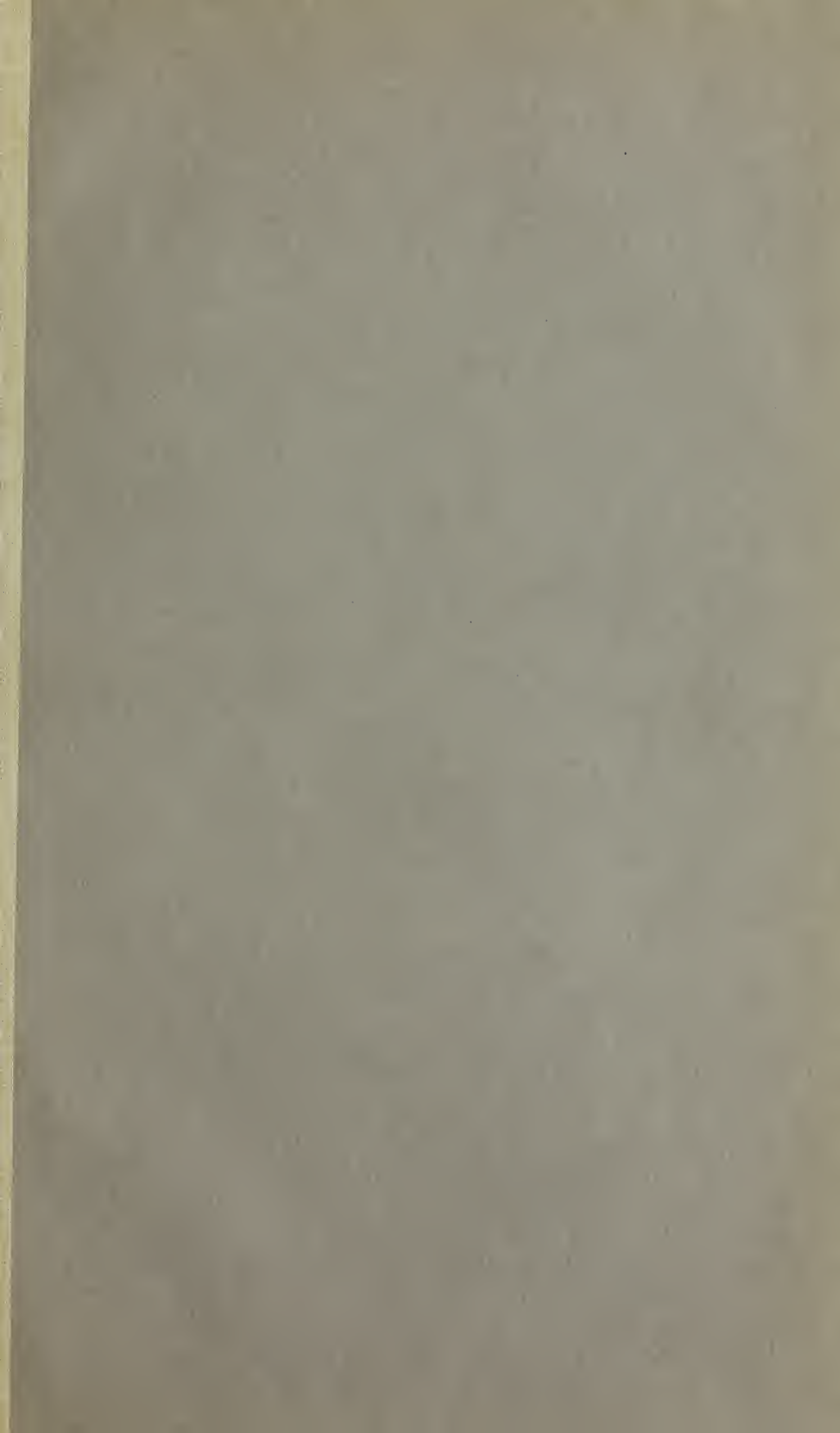
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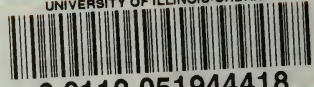








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